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Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published August 20, 1963 (28 F.R. 9141), December 20, 1963 (28 F.R. 13863), and March 26, 1964 (29 F.R. 3753), which were designated for soybean crop insurance for the 1964 crop year.

MINNESOTA

Ottertail.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 64-5706; Filed June 8, 1964; 8:52 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Special Requirements for Admission, Extension, and Maintenance of Status

The following amendment to chapter I of title 8 of the Code of Federal Regulations is hereby prescribed:

The second sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(c) *Transits—Without visas.* * * * Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Washington, D.C.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. * * *

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: June 4, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64-5700; Filed, June 8, 1964; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 4—PROCEDURES

This amendment, issued under the general authority of the national banking laws, 12 U.S.C. 1 et seq., prescribes regulations under Part 4, relating to procedures. Since these procedures are now in effect, notice, public procedure, and delayed effectiveness are not required and are found to be unnecessary and contrary to the public interest. Accordingly, this amendment will be effective upon publication.

Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is amended by adding Part 4 to read as follows:

Sec.
4.1 Authority.
4.2 Organization of national bank.
4.3 Conversion of State bank into national bank.
4.4 Merger, consolidation, purchase, and assumption.
4.5 Establishment of branch banks and seasonal agencies.
4.6 Change of location of main or branch office.
4.7 Change of bank name.
4.8 Conversion of national bank into State bank.
4.9 Voluntary liquidation.
4.10 Receivership and conservatorship.
4.11 Supervision of bank operations.
4.12 Rules of general application.
4.13 Record, files, publications.
4.14 Testimony and production of documents in court.

AUTHORITY: The provisions of this Part 5 issued under 12 U.S.C. 1 et seq. Additional authority is cited in parentheses following the sections affected.

§ 4.1 Authority.

This part is issued under the general authority of the national banking laws, 12 U.S.C. 1 et seq.

§ 4.2 Organization of national bank.

(a) *Application.* Persons desiring to organize a national bank should submit to the Regional Comptroller of the Currency for the region in which the proposed bank is to be located, an "Application to Organize a National Bank." This application, supplementary forms, and instructions for their preparation and filing are furnished upon request submitted to the Comptroller of the Currency or to the Regional Comptroller.

(b) *Investigation.* The Comptroller of the Currency may conduct such investigation as he deems necessary or proper. Matters investigated include:

(1) The adequacy of the proposed banks capital structure.

(2) The earning prospects of the proposed bank.

(3) The convenience and needs of the community to be served by the proposed bank.

(4) The character and general standing in the community of the applicants, prospective directors, proposed officers, and other employees, and other persons connected with the application or to be connected with the proposed bank.

(5) The banking ability and experience of proposed officers and other employees.

If the persons referred to in subparagraph (4) of this paragraph are not ready, within 30 days after filing of the application, to submit to and cooperate in the investigation, the Comptroller may treat the application as abandoned.

(c) *Preliminary approval.* The Comptroller of the Currency determines whether or not preliminary approval of the application should be granted. If preliminary approval is granted, the Comptroller may, if he determines that such action is necessary or desirable for the protection of the public interest, at any time withdraw such approval or provide that final approval shall be subject to the fulfillment of conditions specified by him.

(d) *Corporate organization.* If preliminary approval is granted, the applicants are furnished with suggested forms of documents necessary for the corporate organization of a national banking association and instructions for their preparation and filing. The proposed bank does not become a body corporate until certain of these documents have been accepted for filing by the Comptroller of the Currency.

(e) *Commencement of business.* The Comptroller of the Currency determines whether or not the national banking association is entitled to commence the business of banking. If the Comptroller's determination is favorable, he issues a certificate, known as a charter, which provides that the national banking association is authorized to commence the business of banking.

(f) *Fiduciary powers.* Additional procedural steps are necessary if the new bank desires to exercise fiduciary powers. See Part 9 of this chapter.

(12 U.S.C. 21, 22, 23, 24, 26, 27, 28)

§ 4.3 Conversion of State bank into national bank.

(a) *Application.* A State bank desiring to become a national bank should submit to the Comptroller of the Currency, an "Application to Convert a State Bank into a National Bank". This application, supplementary forms, and instructions for their preparation and filing are furnished upon request submitted to the Comptroller or to the Regional Comptroller of the Currency for the region in which the bank is located.

(b) *Examination and investigation.* The Comptroller of the Currency may conduct such examination or investigation as he deems necessary or proper.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted.

(d) *Corporate documents.* If approval is granted, the bank is furnished with suggested forms of documents necessary to complete its conversion into a national banking association and instructions for their preparation and filing.

(e) *Commencement of business as national bank.* When the Comptroller of the Currency determines that all statutory requirements have been complied with, he issues a certificate, known as a charter, which provides that the bank is authorized to commence the business of banking as a national bank as of a specified date.

(f) *Fidiciary powers.* Additional procedural steps are necessary if the bank desires to exercise fiduciary powers as a national bank. See Part 9 of this chapter.

(g) *Additional procedural steps in certain cases.* In certain cases of conversions, additional procedural steps may be necessary. For example, if the bank has branches, approval of their continued operation must be obtained from the Comptroller of the Currency.

(12 U.S.C. 35)

§ 4.4 Merger, consolidation, purchase, and assumption.

(a) *Definition.* For purposes of this section, the term merger means a merger or consolidation in which the resulting bank is a national bank.

(b) *Application.* National banks or State and national banks desiring to merge or a national bank desiring to purchase the assets and assume the liabilities of another bank or financial institution should submit to the Comptroller of the Currency, an "Application to Merge, Consolidate, or Purchase". This application, supplementary forms, and instructions for their preparation and filing are furnished upon request submitted to the Comptroller or to the Regional Comptroller for the region in which the banks are located.

(c) *National bank as seller.* In the case of a purchase and assumption, if the selling bank is a national bank, it is furnished with suggested forms of documents and instructions for the voluntary liquidation of the bank. See § 4.10.

(d) *Examination and investigation.* The Comptroller of the Currency may conduct such examination or investigation as he deems necessary or proper.

(e) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted.

(f) *Certification.* If the determination of the Comptroller of the Currency is favorable, he issues—

(1) *Merger.* Certificates to the resulting bank to evidence approval of the merger and to authorize operation of permitted branches incident thereto, or

(2) *Purchases and assumption.* A certificate to the purchasing and assuming bank to authorize operation of permitted branches incident to the purchase and assumption.

(12 U.S.C. 214, 214a, 214c, 215, 215a, 215b, 1828(c))

§ 4.5 Establishment of branch banks and seasonal agencies.

(a) *Application.* A national bank desiring to establish and operate a branch or seasonal agency should submit to the Regional Comptroller of the Currency for the region in which the bank is located, an "Application for Permission to Establish a Branch". This application and instructions for preparing and filing it and supporting documents are furnished upon request submitted to the Comptroller of the Currency or to the Regional Comptroller.

(b) *Investigation.* The Comptroller of the Currency may conduct such investigation as he deems necessary or proper.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, he issues a certificate to evidence his approval for the establishment and operation of the branch or seasonal agency at the designated location.

(12 U.S.C. 36)

§ 4.6 Change of location of main or branch office.

(a) *Application.* A national bank desiring to relocate its main office or a branch office should submit to the Regional Comptroller of the Currency for the region in which the bank is located, an "Application for a Change in Location of Head Office or Branch". This application and instructions for preparing and filing it and supporting documents are furnished upon request submitted to the Comptroller of the Currency or to the Regional Comptroller.

(b) *Investigation.* The Comptroller of the Currency may conduct such investigation as he deems necessary or proper.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, he issues a certificate evidencing his approval for the relocation of the main or branch office.

(12 U.S.C. 30, 36)

§ 4.7 Change of bank name.

(a) *Application.* A national bank desiring to change its name should submit to the Regional Comptroller of the Currency for the region in which the bank is located, an "Application for a Change in Title." This application and instructions for preparing and filing it and supporting documents are furnished upon request submitted to the Comptroller of the Currency or to the Regional Comptroller.

(b) *Investigation.* The Comptroller of the Currency may conduct such investigation as he deems necessary or proper.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, he issues a certificate evidencing his approval for the change of name.

(12 U.S.C. 36)

§ 4.8 Conversion of national bank into State bank.

A national bank desiring to become a State bank should submit to the Comptroller of the Currency notification of its intent to convert. The bank will be furnished with instructions regarding steps to be followed to terminate its status as a national bank.

(12 U.S.C. 214, 214a, 214b, 214c)

§ 4.9 Voluntary liquidation.

(a) *Liquidation documents.* A solvent national bank desiring to liquidate voluntarily should submit to the Comptroller of the Currency notification of its intent to do so. The bank will be furnished with suggested forms of documents necessary to place it in voluntary liquidation and instructions for their preparation and filing.

(b) *National bank as buyer.* If the bank's assets are to be purchased and its liabilities assumed by a national bank, see § 4.4.

(c) *Report of condition.* The liquidating bank must submit to the Comptroller of the Currency reports of the condition of its commercial, trust, and other departments as of the date it discontinues the business of banking.

(d) *Report of progress.* The liquidating agent or committee must submit annually to the Comptroller of the Currency, until liquidation is complete, a "Report of Progress of Liquidation". This form and instructions for its prep-

aration and filing are furnished to such agent or committee.

(12 U.S.C. 181, 182)

§ 4.10 Receivership and conservatorship.

(a) *Receivership.* If the comptroller of the Currency determines that a national bank is insolvent, he may appoint a receiver for such bank.

(1) *Federal Deposit Insurance Corporation as received.* In cases in which the Comptroller of the Currency appoints the Federal Deposit Insurance Corporation as receiver, that corporation prescribes the procedures it follows in liquidation of the insolvent bank.

(2) *Other receivers.* In those cases in which the Comptroller of the Currency does not appoint the Federal Deposit Insurance Corporation as receiver, he appoints a receiver of his own choice. The Comptroller prescribes a form of proof of claim. The receiver appointed by the Comptroller issues a certificate of proof of claim to claimants who prove their claims to the satisfaction of the Comptroller or establish their claims by litigation.

(b) *Conservatorship.* The Comptroller of the Currency may appoint a conservator of his own choice for any national bank when he determines that such action is necessary to conserve the assets of the bank for the benefit of its depositors and other creditors. The conservator acts under the direction of the Comptroller and has the powers and duties of a receiver. Since the Comptroller's conservatorship authority is exercised in emergency situations, the procedures followed depend upon the circumstances of each case which dictate the action necessary to conserve the assets of the bank.

(12 U.S.C. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 1821(c))

§ 4.11 Supervision of bank operations.

(a) *Examination of banks.* All national banks must be examined twice in each calendar year except that the Comptroller of the Currency may (1) waive one such examination of any bank not more frequently than once during any 2-year period or (2) cause such examinations to be made more frequently as he determines to be necessary. An affiliate of a national bank may also be examined.

(b) *Reports of banks*—(1) *Commercial department reports.* Each national bank must submit to the Comptroller of the Currency four times each year a report of the condition of its commercial department. The Comptroller may also call for additional reports of condition from all national banks and special reports of condition from any national bank whenever he determines that such reports are necessary for the performance of his supervisory duties. Reports of condition shall be submitted to the Comptroller on such dates and in such form and shall contain such information as may be determined by the Comptroller. National banks are furnished with "Report of Condition" forms and instructions for their preparation, filing and publication to the extent required by law.

(2) *Affiliate reports.* When required by the Comptroller of the Currency, each national bank which has one or more affiliates, including holding company affiliates, must submit with its report of condition, a report of condition of each such affiliate. The Comptroller furnishes "Affiliate Report" forms and instructions for their preparation, filing, and publication to the extent required by law.

(3) *Reports of income and dividends.* Each national bank must submit annually to the Comptroller of the Currency, a report of its income and dividends for the 12-month period ending December 31st. The Comptroller furnishes "Report of Income and Dividends" forms and instructions for their preparation and filing.

(4) *Trust department reports.* Each national bank which exercises fiduciary powers must submit annually to the Comptroller of the Currency, on the date specified by him, a report of the condition of its trust department. The Comptroller furnishes "Trust Department Annual Report" forms and instructions for their preparation and filing. If a national bank administers collective investment funds, see Part 9 of this chapter.

(5) *Reports of international operations.* Each national bank which engages in international banking and financial operations must submit to the Comptroller of the Currency, within 30 days after the occurrence of the event:

(i) A "Report on the Establishment or Relocation of a Foreign Branch of a National Bank" in a foreign country, dependency, or insular possession of the United States.

(ii) A "Report on Acquired Stock Interest in a Foreign Banking Coproration".

(iii) A "Report on the Establishment or Relocation of a Branch or an Agency of a Foreign Banking Corporation Controlled by a National Bank".

(iv) A "Report on Acquiring Controlling Stock Interest in a Foreign Corporation or Association through a Foreign Banking Corporation".

For purposes of this subparagraph, a foreign banking corporation is any bank or corporation chartered or incorporated under the laws of the United States or any State thereof (including any corporation organized under 12 U.S.C. 611 to 532) which is principally engaged in international or foreign banking or financing or banking in a dependency or insular possession of the United States, directly or through the agency, ownership, or control of local institutions in foreign countries or in such dependencies or insular possessions; or any corporation or other association, organized under the laws of a foreign country or a dependency or insular possession of the United States, which is principally engaged in commercial banking business.

(6) *Reserve reports of District of Columbia banks.* Each bank or trust company located and doing business in the District of Columbia which is not a national bank and which is not a member of the Federal Reserve System, must maintain a reserve on the same basis and subject to the same conditions as prescribed for national banks located in the District of Columbia. Such reserve must be established and maintained with a national bank or a State member bank which is approved for such purpose by the Comptroller of the Currency. Each such District of Columbia bank or trust company must submit to the Comptroller each week a "Report of Net Deposits and Reserves Required". The depository national bank or State member bank must submit to the Comptroller each week a "Report of Reserve Held".

(12 U.S.C. 161, 481, 1817(a); 26 D.C. Code (1961 Ed.) 102, 336)

§ 4.12 Rules of general application.

(a) *District of Columbia banks.* For purposes of §§ 4.5, 4.6, 4.7, 4.9 4.10, 4.11, 4.13, and 4.14, the term "national bank" includes any bank or trust company located and doing business in the District of Columbia which is not a national banking association, unless a different meaning is clearly apparent from the context.

(b) *Comptroller's determination.* For purposes of this part, a determination made by the Comptroller of the Currency is an exercise of authority committed by law to his exclusive discretion.

(c) *Comptroller's approvals.* For purposes of this part, whenever the Comptroller of the Currency grants his approval of any application or with respect to any matter or any aspect of any matter, he may, if he determines it necessary or desirable for the protection of the public interest, provide that his approval is subject to the fulfillment of conditions specified by him. In addition, the Comptroller may at any time withdraw such approval if he determines that such action is necessary in the public interest by reason of changed circumstances or othewise.

(d) *Hearings.* For purposes of this part, the Comptroller of the Currency, in his sole discretion, may, upon request of any interested person or otherwise, order a hearing, either public or private. Such hearing shall be held at the time and place fixed by the Comptroller and shall be conducted by the Comptroller or such other person as he may designate. The person conducting such hearing shall have authority to decide who shall appear as a witness therein, the order of appearance, what testimony, data, or other material or information shall be received in evidence, and all other procedural matters arising during the course of or otherwise connected with such hearing. No person shall become a party to any matter pending before the Comptroller solely by reason of being permitted to appear or to submit testimony, evidence, data, or other material at a hearing. A hearing ordered by the Comptroller is not required by statute and is not subject to the provisions of the Administrative Procedure Act. Nothing contained herein shall be deemed to require the holding of a hearing by the Comptroller on any matter. The validity of the Comptroller's determination in any matter shall not be affected because a hearing was not

held, whether or not such a hearing was requested by any person, or because of the procedures adopted at such hearing.

(e) *Requiring information.* For purposes of this part, the Comptroller of the Currency, in his sole discretion, may require any person, persons, bank, or banks submitting an application or request or any person, persons, bank or banks connected with the matter to which such application or request pertains, to submit such information, data, opinion of counsel, or other material as may be specified by the Comptroller. Failure to comply with such demand of the Comptroller may be treated by him, in his sole discretion, as abandonment of the application or request to which the information, data, opinion of counsel, or other material relates.

§ 4.13 Records, files, publications.

(a) *Public information*—(1) *Publications.* The Comptroller of the Currency regularly publishes for general distribution the "National Banking Review", which serves as a medium of expression for those concerned with public policies in the field of money and banking and with the problems and practices of banking institutions. The Comptroller also regularly publishes his annual report to Congress, which contains a detailed account of major operations during the year and recommendations for the future. The Comptroller regularly publishes for limited distribution, the "Comptroller's Manual for National Banks" and the "Comptroller's Manual for Representatives in Trusts". In addition, the Comptroller publishes, from time to time, other books, pamphlets, and documents for either general or limited distribution and issues statements to financial institutions subject to his jurisdiction.

(2) *Unpublished information.* Except as provided in paragraph (b) of this section, rulings, final opinions, decisions, and orders of the Comptroller of the Currency and other matters of official record in the Comptroller's office are available for inspection at such office during business hours to persons properly and directly concerned.

(3) *Obtaining publications and unpublished information*—(i) *Publications.* Anyone desiring to obtain the National Banking Review should submit a subscription application to the Comptroller of the Currency. National banks, counsel for national banks, counsel or other representatives of organizers of proposed national banks, certified public accountants who perform bank audits and other persons directly concerned desiring to obtain the Comptroller's Manual for National Banks and the Comptroller's Manual for Representatives in Trusts should submit subscription applications to the Comptroller of the Currency.

(ii) *Unpublished information.* A request to examine documents referred to in subparagraph (2) of this paragraph or to obtain a copy or copies thereof should be submitted to the Comptroller of the Currency or to the Regional Comptroller of the Currency for the region in which the request arises. Such request shall be signed by the person making it or his duly authorized agent who shall state the name and address of the person on whose behalf the request is made. The request shall set forth the facts, if any, involved, the purpose for which the document or information contained therein will be used if made available, the nature of such person's interest in the matter, and the reason or reasons why the request should be granted. A charge will be assessed for each certified or other copy provided.

(b) *Nondisclosure of confidential information*—(1) *Reasons for nondisclosure.* In connection with the supervisory, regulatory, investigative, examining, and other functions vested by law in the Comptroller of the Currency, the Comptroller receives information which must be safeguarded in the public interest in order to protect the national banking system and to enable the Comptroller to administer properly his responsibilities. Improper disclosure of such information could:

(i) Adversely affect the stability and welfare of national banks or other financial institutions to which the information relates;

(ii) Unreasonably, unnecessarily, and improperly disturb and interfere with confidential business relationships and otherwise encroach upon the right to privacy of business transactions of national banks and other financial institutions, their customers, and other persons dealing with them;

(iii) Constitute a breach of confidence between the Comptroller and those dealing with him, thus interferring with performance of the Comptroller's statutory duties and impeding the collection of information and advice by the Comptroller, much of which cannot be obtained except on a voluntary and confidential basis;

(iv) Permit speculators and others unfairly to reap profits and to gain advantages in speculative trading in securities and otherwise;

(v) Cause misinterpretations and misunderstandings of the Comptroller's policies and purposes resulting in disturbance of securities markets and impairment of public confidence in a national bank, the national banking system, or other financial institutions.

(2) *Definition of confidential information.* For purposes of this paragraph, the term "confidential information" means information set forth in files, correspondence, memoranda, documents, reports, books, records, and other papers of the Comptroller of the Currency, whether located in the Comptroller's office or elsewhere, which relates to or is derived from:

(i) Reports of examination or condition, investigations, and inspections of any national bank or other financial institution, or of a holding company, subsidiary, or affiliate thereof;

(ii) The business, financial, or other affairs of any national bank or other financial institution, a holding company, subsidiary or affiliate thereof, or any person employed by, connected with, or doing business with them;

(iii) Opinions, decisions, and orders of the Comptroller which are not cited as precedents and with respect to which the Comptroller determines that disclosure would conflict with the principles set forth in subparagraph (1) of this paragraph;

(iv) Proceedings concerning the removal of a director or officer for violation of law;

(v) Proceedings or matters in which the Comptroller grants, denies, or revokes approval, permission, or authority;

(vi) Relations between the Comptroller and any national bank or other financial institution and his supervision or regulation thereof;

(vii) Activities and relations of the Comptroller with any bank supervisory or other Government agency;

(viii) Internal operations of the Comptroller's office, including matters of administration and personnel, to the extent that disclosure could be of no proper interest or benefit to other persons or would interfere with the operations of the Comptroller's office;

(ix) Any other matter with respect to which the Comptroller determines that, for the reasons set forth in subparagraph (1) of this paragraph, information should not be disclosed.

(3) *Rules of nondisclosure*—(i) *Comptroller.* Except as provided in subdivisions (iii) and (iv) of this subparagraph, or in other circumstances in which the Comptroller of the Currency determines that disclosure is authorized by law and in the public interest, the Comptroller, for the reasons set forth in subparagraph (1) of this paragraph, will not make available or otherwise disclose any confidential information, as defined in subparagraph (2) of this paragraph, whether or not such information is a matter of official record within the meaning of the Administrative Procedure Act.

(ii) *Employees of the Comptroller.* Except as authorized by the Comptroller of the Currency, no employee of the Comptroller shall in any manner disclose or permit disclosure of any confidential information to anyone other than an employee of the Comptroller properly entitled to such information for the performance of his official duties.

(iii) *Government agencies.* When authorized by law, the Comptroller of the Currency may make available to the Board of Governors of the Federal Reserve System, to the Federal Deposit Insurance Corporation, and, in his sole discretion, to certain other Government agencies of the United States, copies of reports of examination and other documents, papers or information for their use, when necessary, in the performance of their official duties. All reports, documents and papers made available pursuant to this subdivision are the property of the Comptroller. No person, agency, or authority, or any director, officer, or employee thereof, shall disclose any such reports, documents, papers or information contained therein in any manner except as authorized by the Comptroller. Unauthorized disclosure may be determined by the Comptroller to be grounds for withdrawing the reports, documents and papers made available pursuant to this subdivision and refusing to further furnish reports of examination, documents and papers of the Comptroller.

(iv) *Financial institutions.* The Comptroller of the Currency makes available to each national bank and, in some cases, holding companies thereof, a copy of the report of examination of such bank or company. The report of examination is the property of the Comptroller and is loaned to the bank or holding company for its confidential use only. Under no circumstances shall the bank or holding company or any director, officer or employee thereof make public or disclose to any other banker or person in any manner the report of examination or any portion of the contents thereof.

§ 4.14 Testimony and production of documents in court.

Employees of the Comptroller of the Currency are prohibited from testifying in court or otherwise with respect to information obtained in or resulting from their official capacities and are prohibited from furnishing documents of the Comptroller or copies thereof in compliance with a subpoena, order or otherwise, without the prior written authorization of the Comptroller. If the testimony of or the production of documents by an employee of the Comptroller is desired, an affidavit by the litigant or his attorney setting forth the interest of the litigant and the testimony or documents desired must be submitted to the Comptroller before authorization will be granted. The employee's authorization to testify or produce is limited to the authority granted by the Comptroller. When authorization to testify or to produce documents has not been granted by the Comptroller, the employee of the Comptroller to whom a subpoena or order has been directed shall appear in court and respectfully state that he is unable to comply further with the subpoena or order by reason of this section.

Dated: June 3, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-5679; Filed, June 8, 1964; 8:49 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 18,176]

PART 508—PROMULGATION OF REGULATIONS AND AMENDMENTS

Miscellaneous Amendments

JUNE 3, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 5838) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and for the purpose of effecting such amendment, hereby amends said part 508 by striking therefrom present §§ 508.12, 508.13, 508.14, and 508.15 and by inserting in lieu thereof five sections, as follows, effective July 10, 1964:

§ 508.12 Notice of proposed amendments or regulations not within § 508.11.

Except any proposed amendment or rule adopted pursuant to § 508.11, general notice of any proposed amendment or rule will be published in the FEDERAL REGISTER, and such notice will include (a) a statement of the time, place, and nature of public rule making proceedings, (b) reference to the authority under which the amendment or rule is proposed, and (c) either the terms or substance of the proposed amendment or rule or a description of the subjects and issues involved. Notice of such proposed amendment or rule shall also be mailed to each member of the Federal Savings and Loan Advisory Council and to the president of each Federal Home Loan Bank.

§ 508.13 Participation of interested persons in a proposed amendment or rule.

After publication in the FEDERAL REGISTER of general notice of a proposed amendment or rule as prescribed in § 508.12, interested persons may participate in the making of such a proposed amendment or rule through the submission of written data, views, or arguments thereon delivered within the time prescribed in such general notice to the Secretary to the Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C., 20552, and the time prescribed shall not be less than 15 days. Interested persons may also petition for the issuance, amendment, or repeal of an amendment or rule and deliver any such petition to the Secretary to the Board at the address given in this section.

§ 508.14 Effective dates of amendments and rules.

No substantive amendment or rule shall be effective less than 30 days after publication in the FEDERAL REGISTER except that this requirement shall not apply to (a) any substantive amendment or rule granting or recognizing exemption or relieving restriction, (b) interpretative rules and statements of policy, and (c) any substantive amendment or rule which the Board makes effective at an earlier date upon good cause found and published with such amendment or rule.

§ 508.15 Repeal of rules and regulations.

This subchapter together with Subchapter B of this chapter repeals all prior rules and regulations, resolutions, orders and instructions of the Board inconsistent herewith.

§ 508.16 Coordination of subchapters.

This subchapter shall be applied in conjunction with any related provisions of Subchapters B, C, and D of this chapter together with such other material not inconsistent therewith as may be filed now or hereafter by the Board or Federal Savings and Loan Insurance Corporation pursuant to section 5, 49 Stat. 501, 44 U.S.C. 305, and sections 3 and 4, 60 Stat. 238, 5 U.S.C. 1002, 1003.

(Sec. 17, 47, Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1437, 1464, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64-5708; Filed, June 8, 1964; 8:53 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18177]

PART 545—OPERATIONS

Repeal of Regulation Governing Sale of Participating Interests Otherwise Than to Insured Institutions

JUNE 3, 1964.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of the repeal hereinafter set forth, and for the purpose of effecting such repeal, hereby repeals, effective July 10, 1964, paragraph (c) of § 545.6-4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-4(c)).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. plan No. 3 of 1947, 12 F.R. 4981, 3 CFR. 1947 Supp.)

Resolved further that, as the foregoing repeal relieves restriction and does not necessitate any change in the operations of Federal savings and loan associations but merely eliminates an inconsistency between the rules and regulations for the Federal Savings and Loan System and the rules and regulations for Insurance of Accounts, to both of which Federal savings and loan associations are subject, the Board hereby finds that notice and public procedure on said repeal are unnecessary under § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc 64-5709; Filed, June 8, 1964; 8:53 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1,834]

PART 563—OPERATIONS

Sale of Participating Interests Otherwise Than to Insured Institutions

JUNE 3, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 5838) and all relevant material presented

or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 563.9–2 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–2) and for the purpose of effecting such amendment hereby amends said § 563.9–2 as follows, effective July 10, 1964:

Amend § 563.9–2 of the rules and regulations for Insurance of Accounts to read as follows:

§ 563.9–2 Sale of participating interests otherwise than to insured institutions.

Unless with the prior written approval of the Corporation, a sale by an insured institution otherwise than to an insured institution of a participating interest in any loan on the security of real estate located more than 50 miles from its principal office and outside the territory in which the institution was operating on June 27, 1934, is hereby prohibited, except that the foregoing provision of this sentence shall not be applicable if the purchaser has the exemption from taxation provided by subsection (a) of section 501 of the Internal Revenue Code as now or hereafter in effect or if there is with respect to any of the shares, deposits, or investments in the purchaser, any insurance or guaranty by an institution which has said exemption. An insured institution shall be entitled to rely on a written statement of the purchaser that the purchaser has such exemption or that such insurance or guaranty exists, provided such institution has received such written statement within two years prior to the sale. No sale shall be made pursuant to the exception in the first sentence of this section unless the seller, at the close of the sale, has a participation of at least fifty percent in such loan, and any sale so made shall be regarded as a sale of a loan within the meaning of the first sentence of § 563.23 and shall be subject to the limitation contained in said sentence, but the dollar amount of the participating interest sold shall be deemed to constitute, for the purposes of said sentence of § 563.23, the dollar amount of the loan sold. An insured institution which has sold a participating interest in a loan pursuant to the exception in the first sentence of this section shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan. The last sentence of § 563.23 shall not be applicable to a sale of a participating interest in any loan pursuant to the exception in the first sentence of this section, but any sale by an insured institution of a participating interest in a loan pursuant to said exception shall be without recourse, and the term "without recourse" as used in this sentence shall have the meaning set forth in § 561.8.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan. No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–5710; Filed, June 8, 1964; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64–EA–9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Federal Airways

On March 7, 1964 a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3163) stating that the Federal Aviation Agency proposed to revoke the segment of V–174 between Falmouth, Ky., and York, Ky.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America submitted a comment interposing no objection if the revocation of the segment of V–174 between Falmouth, Ky., and York, Ky., was editorial in nature and would not result in any loss of assigned controlled airspace. V–44 between Falmouth, Ky., and York, Ky., will remain in effect and there will be no loss of assigned controlled airspace.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 20, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 1009), V–174 is amended as follows: "From Falmouth, Ky., via York, Ky.; Henderson, W. Va." is deleted and "From York, Ky., via Henderson, W. Va." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 28, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–5644; Filed, June 8, 1964; 8:46 a.m.]

[Airspace Docket No. 63–LAX–7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On March 24, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3674) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 25 segment from Los Angeles, Calif., to Ventura, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (28 F.R. 13742, 29 F.R. 1009) is amended as follows: In V–25 "INT Los Angeles 257° and Ventura, Calif., 155° radials;" is deleted and "INT Los Angeles 261° and Ventura, Calif., 145° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., July 23, 1964.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on May 28, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–5645; Filed, June 8, 1964; 8:46 a.m.]

[Airspace Docket No. 63–WE–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12944) stating that the Federal Aviation Agency proposed to revoke the segment of VOR Federal airway No. 202 from the Tucson, Ariz., radio beacon to Cochise, Ariz.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, § 71.123 (29 F.R. 1009) is amended as follows: In V–202 "From Tucson, Ariz., RBN via INT of Tucson RBN 157° bearing and Cochise, Ariz., 275° radial; Cochise;" is deleted and "From Cochise, Ariz.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., July 23, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 26, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations, and Procedures Division.

[F.R. Doc. 64–5646; Filed, June 8, 1964; 8:46 a.m.]

[Airspace Docket No. 63–LAX–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Controlled Airspace

On February 8, 1964, a notice of proposed rule making was published in the

FEDERAL REGISTER (29 F.R. 2312) stating that the Federal Aviation Agency proposed to revoke and designate control zones and transition areas in the greater Tucson, Arizona, terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 23, 1964, as hereinafter set forth.

1. Section 71.165 (29 F.R. 1073), is amended by revoking the Tucson, Ariz. (A), and Tucson, Ariz., (B) control area extensions.

2. Section 71.171 (29 F.R. 1101), is amended as follows:

a. The Tucson, Ariz. (Davis-Monthan AFB), control zone is amended to read:

Tucson, Ariz. (Davis-Monthan AFB).

Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°-53'00" W.), excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS Localizer SE course, extending from the 5-mile radius zone to the OM.

b. The Tucson, Ariz. (Tucson Municipal), control zone is amended to read:

Tucson, Ariz. (Tucson International Airport).

Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'35" W.); within 2 miles each side of the Tucson VORTAC 273° radial, extending from the 5-mile radius zone to 14 miles W of the VORTAC, and within 2 miles each side of the extended centerline of runway 12L, extending from the 5-mile radius zone to 5 miles SE of the lift-off end of Runway 12L, excluding the portion subtended by a chord drawn between the points of INT of the Tucson International 5-mile radius zone with the Davis-Monthan AFB 5-mile radius zone.

3. Section 71.181 (29 F.R. 1160) is amended as follows:

a. The Mescal, Ariz., transition area is revoked.

b. The Tucson, Ariz., transition area is added to read as follows:

Tucson, Ariz.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'35" W.); within 3 miles NE and 13 miles SW of the Tucson VORTAC 138° radial, extending from the 10-mile radius area to 9 miles SE of the VORTAC, and within 9 miles SW and 1 mile NE of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'-00" W.; to latitude 32°35'00" N., longitude 110°52'00" W.; to latitude 32°23'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°-39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning, excluding the portion within R-2303.

(Sec. 307(a) of Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 26, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-5642; Filed, June 8, 1964; 8:45 a.m.]

[Airspace Docket No. 63-PC-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone

On March 19, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3476) stating that the Federal Aviation Agency proposed to designate a part-time control zone at Wheeler AFB, Hawaii.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 23, 1964, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the following is added:

Honolulu, Hawaii (Wheeler AFB).

Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), and within 2 miles each side of the Honolulu VORTAC 358° radial extending from the 3-mile radius zone to the INT of the Honolulu VORTAC 358° and the Koko Head, Hawaii, VOR 298° radials, excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 28, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-5643; Filed, June 8, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On April 2, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 4742) stating that the Federal Aviation Agency proposed to designate a transition area at Eveleth, Minn.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 23, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

Eveleth, Minn.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Eveleth-Virginia Municipal Airport (latitude 47°25'35" N., longitude 92°29'50" W.), and within 5 miles S and 8 miles N of the Eveleth VOR 092° radial, extending from the VOR to 13 miles E of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-5647; Filed, June 8, 1964; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 5016; Amdt. 373]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Worthington, Minn.; Correction

On May 21, 1964, Amendment 373 to Part 97 of the Air Traffic and General Operating Rules [New], published in the FEDERAL REGISTER (29 F.R. 6610) is hereby corrected as follows: Under § 97.13, procedure turn should read 170 degrees Inbnd vice 070 degrees Inbnd. In the Condition column, S-dn-18 should read S-dn-17. The procedure number should read TerVOR-17 vice TerVOR-18.

Issued in Washington, D.C., on June 1, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-5648; Filed, June 8, 1964; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 5096; Amdt. 744]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A/188C Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on May 22, 1964, and made effective immediately as to all known U.S. operators of Lockheed models 188A and 188C aircraft. The directive requires inspection and replacement of the landing gear cam follower and control level assemblies.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Lockheed models 188A and 188C aircraft by individual telegrams dated May 22, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of part 507 (14 CFR part 507), to make it effective as to all persons.

LOCKHEED. Applies to all Models 188A and 188C aircraft.

Compliance required as indicated.

As a result of failures of the landing gear cam follower P/N NAS 562-3-7A and of worn and bent landing gear lever detent plate P/N 827127, accomplish the following unless already accomplished:

(a) Correct Lockheed Service Information Letter 84 dated May 6, 1964, by changing in item 6(A) the word "pilot's" to "co-pilot's" and by changing item 6(F) to read "Perform steps 6 (A), (B), and (D) on pilot's landing gear control lever".

(b) Within the next 40 hours' time in service after the effective date of this AD and at periods not to exceed 4,000 hours' time in service from the last inspection, accomplish the following:

(1) Accomplish items 1 through 8 of the section entitled "Description" of Lockheed Service Information Letter No. 84 dated May 6, 1964, as corrected.

(2) If during accomplishment of item 6(B) of Service Information Letter 84, the force required to unseat cam follower is less than 5 pounds, before further flight replace the control lever handle return spring with a new return spring.

(3) If during accomplishment of item 6 (A), (C), (D), (E), and (F) of Service Information Letter 84, the cam follower is unseated from the detent, before further flight replace the cam follower, P/N NAS 562-3-7A, with a new P/N NAS 562-3-7A and inspect the landing gear lever detent plate P/N 827127 for deformation and for wear or cracks in the detents. If the landing gear level detent plate exhibits wear beyond the wear limits recommended by the manufacturer or exhibits deformation or cracks, replace the P/N 827127 detent plate with a new plate of the same part number.

(4) If any parts are replaced in accordance with (b) (2) and (b) (3), before further flight rig the system in accordance with the Electra Maintenance Manual, section 32-1-0 and reaccomplish items 1 through 8 of the section entitled "Description" of Lockheed Service Information Letter No. 84 dated May 6, 1964.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated May 22, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 2, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-5650; Filed, June 8, 1964; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 85]

PART 371—GENERAL LICENSES

Miscellaneous Amendments

In item 3b of this amendment the following entry was removed from the list of commodities in § 371.52:

Department of Commerce schedule B No.	Commodity description
20105	Masterbatches, cls-rubber types.

The list of commodities should have been, and is hereby, amended by removing the following entry and correcting the list by restoring the above entry to the list:

Department of Commerce schedule B No.	Commodity description
20105	Cold "S"-type black masterbatch.

(Sec. 3, 63 Stat. 7; 50 U.S.C. app. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-5689; Filed, June 8, 1964; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56185]

PART 3—DOCUMENTATION OF VESSELS

Cruising Licenses for Foreign Yachts

Since it has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted the reciprocal privileges described in section 5 of the Act of May 28, 1908, as amended (46 U.S.C. 104), in ports of Bermuda, § 3.53(d) of the Customs Regulations is amended by the insertion of "Bermuda" after "Bahama Islands" and before "Canada" in the list of countries in that section.

(R.S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 5, 35 Stat. 425, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 104)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: June 2, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-5697; Filed, June 8, 1964; 8:51 a.m.]

[T.D. 56181]

PART 6—AIR COMMERCE REGULATIONS

Emergency or Forced Landings; Requirements

Section 6.2(a) of the Air Commerce Regulations states that the first landing of an aircraft coming into any area of the United States from any place outside thereof shall be at an international airport unless permission to land elsewhere has been granted by a customs officer as prescribed therein. Section 6.2(g) sets out the procedure to be followed in the event an emergency or forced landing is made. It is implicit in § 6.2(g) that if an emergency or forced landing is necessary the aircraft commander is not required to obtain permission to land from a customs officer nor to furnish advance notice of arrival to customs. However, to clarify this point and also to state specifically that the authority of customs officers to grant permission to land elsewhere than at an international airport extends to unscheduled aircraft of scheduled airlines, the following is substituted for the second sentence of § 6.2(a): "The first landing shall be at an international airport unless permission to land elsewhere shall first be granted, except that permission to land is not required for an emergency or forced landing. In the case of scheduled aircraft operated by scheduled airlines, such permission shall be granted by the Bureau of Customs, and in all other cases by the collector of customs or other customs officer in charge at the port of entry or customs station nearest the intended place of first landing. For procedure to be followed in case of emergency or forced landing see paragraph (g) of this section."

(R.S. 161, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended; 5 U.S.C. 22, 19 U.S.C. 1624, 49 U.S.C. 1509)

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: June 1, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-5681; Filed, June 8, 1964; 8:49 a.m.]

[T.D. 56182]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Antiques; Information Required for Entry

Section 10.53(a), Customs Regulations, requires information to be obtained on the invoice filed in connection with the entry of antiques and other articles under items 766.20 and 766.25, Tariff Schedules of the United States, which is not readily obtainable and which has been determined to be not generally necessary for the proper classification of such articles. Accordingly, the requirement for the submission of such information in all instances is being eliminated.

Section 10.53(a), Customs Regulations, is amended to read as follows:

(a) Regardless of the value of articles, the invoices filed in connection with the entry of antiques and other articles under items 766.20 and 766.25, Tariff Schedules of the United States,[48] shall contain, if practicable, a statement by the seller or other person having competent knowledge of the facts stating the place and approximate date of production of

the articles. In the case of the entry of such articles subject to Foreign Assets Control regulations, the invoices filed in connection with the entry shall contain a declaration by the actual foreign vendor, if the merchandise is shipped in pursuance of a purchase or agreement to purchase, or by the foreign owner, if the merchandise is shipped otherwise. The declaration shall show the name and address of the person from whom the articles were acquired by the vendor or owner, as the case may be. The declaration shall also show the date when so acquired, and, if practicable, the place and approximate date of production. A declaration executed on the invoice by an agent of the vendor or owner, competent to verify the value and other statements set forth in the invoice, may be accepted as a sufficient compliance with this regulation. The declaration may be waived by the collector in any case in which he is satisfied that (1) failure to produce it is not due to any lack of diligence or good faith on the part of the importer and that (2) the information is not required for any purpose in connection with the classification and appraisement of the articles: *Provided*, The declaration of the owner in this country of of the person in this country importing otherwise than in pursuance of a purchase or agreement to purchase, required by paragraph (b) of this section, is supplemented by a statement of such owner or person, giving all the facts within his knowledge tending to show how long the articles have been in existence and where they were produced.

(R.S. 251, secs. 481, 624, 46 Stat. 719, 759, sec. 101, 76 Stat. 72; 19 U.S.C. 66, 1481, 1624; Gen. Hdnote. 11, Tariff Schedules of the United States)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: June 1, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-5682; Filed, June 8, 1964; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Postponement of Closing Date of Provisional Listings of Certain Items

The color additives amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorizes the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing (including a deemed provisional listing) of a color additive on his own initiative, or upon application of an interested person.

By an order published in the FEDERAL REGISTER on January 11, 1963 (28 F.R. 317), the closing dates of the provisional listing of a number of color additives were postponed. Requests to further postpone the closing dates of a number of color additives previously so postponed have been received because the scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing date of the provisionally listed color additives in this order will not be contrary to the interests of the public health. Any extensions so granted are conditioned upon a requirement that progress reports be supplied on January 1, 1965, and at 6-months intervals thereafter.

§ 8.501 [Amended]

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), § 8.501 *Provisional lists of color additives* is amended as follows:

1. Paragraph (a) is amended by changing the closing date of all items listed to July 1, 1965.

2. Paragraph (b) is amended by changing the closing date of the following items to July 1, 1965:

D&C Green No. 5 (§ 9.103 of this chapter).
D&C Green No. 6 (§ 9.104 of this chapter).
D&C Yellow No. 10 (§ 9.133 of this chapter).
D&C Yellow No. 11 (§ 9.134 of this chapter).
D&C Red No. 30 (§ 9.175 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).
D&C Blue No. 4 (§ 9.240 of this chapter).
D&C Blue No. 6 (§ 9.242 of this chapter).

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, because section 203 (d)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order shall become effective on the date of signature.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C., note under 376)

Dated: June 3, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-5685; Filed, June 8, 1964; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6737]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Additional First-Year Depreciation Allowance for Small Business

In order to simplify the manner of making the election to take additional first-year depreciation allowance, the income tax regulations are amended as hereinafter set forth. Except as otherwise specifically provided therein, such regulations, as amended, are effective for taxable years ending after June 30, 1958.

Section 1.179-4 is amended by revising paragraphs (a) and (c) thereof to read as follows:

§ 1.179-4 Time and manner of making election.

(a) *Election.* A separate election must be made for each taxable year in which an additional first-year depreciation allowance is claimed with respect to section 179 property. The election under section 179 and § 1.179-1 to claim an additional first-year depreciation allowance on section 179 property shall be made on the taxpayer's income tax return for the taxable year to which the election applies. For the election to be valid, the return must be filed not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The election shall be made by showing as a separate item on the taxpayer's income tax return the total additional first-year depreciation claimed with respect to section 179 property selected. The additional first-year depreciation claimed with respect to section 179 property must not be included in the depreciation claimed under section 167 with respect to such property. The taxpayer shall maintain records which permit specific identification of each piece of section 179 property and reflect how and from whom such property was acquired. The election to claim an additional first-year depreciation allowance under this section with respect to any property is irrevocable and shall be binding on the taxpayer with respect to such property for the taxable year for which the election is made and for all subsequent taxable years, unless the Commissioner gives his consent to revoke the election. Similarly, the selection of section 179 property by the taxpayer to be subject to the additional first-year depreciation allowance must be adhered to in computing the taxpayer's taxable income for the taxable year for which the selection is made and for all subsequent taxable years, unless consent to change the selection of property is given by the Commissioner.

* * * * *

(c) *Effective date.* The provisions of this section apply to all taxable years ending after June 30, 1958. Elections made under the provisions of Treasury Decision 6335, approved November 13, 1958 (23 F.R. 8979), and elections, changes in selection of property, and revocations made under the regulations under section 179, as promulgated in Treasury Decision 6507, approved November 29, 1960 (25 F.R. 12340), or in Treasury Decision 6579, approved November 2, 1961 (26 F.R. 10477), continue in effect.

Because this Treasury decision liberalizes the requirements imposed by the regulations with respect to the election by the taxpayer to claim an additional first year depreciation allowance, it is found that it is unnecessary to issue

this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: June 1, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-5698; Filed, June 8, 1964; 8:51 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims

Appendix—Redelegations of Authority To Compromise and Close Civil Claims

The following redelegation is added to the appendix to Subpart W of Part 0, Chapter I, Title 28 of the Code of Federal Regulations:

CIVIL DIVISION

[Memo No. 374]

DELEGATION OF AUTHORITY TO UNITED STATES ATTORNEYS IN CIVIL DIVISION CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly sections 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Scope of authority.* The authority delegated by this Memorandum is applicable to civil claims, both *by* and *against* the Government, which are under the jurisdiction and authority of the Assistant Attorney General in charge of the Civil Division (hereafter in this Memorandum referred to as the Assistant Attorney General). United States Attorneys are hereby authorized to take all necessary steps, with regard to the claims described in this Memorandum, to protect the interests of the United States, including the institution, conduct, compromise, and termination of appropriate legal proceedings, without prior approval of the Assistant Attorney General or his representative, but subject to the limitations and conditions set forth in this Memorandum, the limitations set forth in special instructions and manuals, and the requirements set forth in the United States Attorneys Manual. Except as provided in Section 0.131 of Title 28 of the Code of Federal Regulations, the authority conferred by this Memorandum shall not be redelegated by United States Attorneys except in the case of their protracted absence from their offices or in other unusual circumstances.

SEC. 2. *Responsibility.* The Assistant Attorney General has and, of course, retains the ultimate responsibility for the proper handling and administration of all civil litigation (excepting certain areas of specialized civil litigation assigned to other divisions of this Department—see Part 0 of Title 28 of the Code of Federal Regulations) involving the United States, its departments, and agencies, including the President of the United States, the heads of Executive Departments and agencies, and certain other officers and employees of the Government. Each United States Attorney shall be immediately responsible for the proper handling of each claim involving an exercise of any authority delegated to him by this Memorandum. The Assistant Attorney General shall provide United States Attorneys with such advice or assistance as may be deemed necessary. The Assistant Attorney General may, at any time, withdraw any authority delegated by this Memorandum as it relates to any particular case, or part thereof, or to any particular category of cases.

SEC. 3. *Claims covered*—A. *Admiralty and Shipping Section matters.* Claims for civil penalties and forfeitures not exceeding $5,000, exclusive of interest and costs for violation of the laws relating to inspection and documentation of vessels and to obstruction and pollution of navigable waters, interference with or damage to aids to navigation, and all similar matters but not including any claim for injunctive or declaratory relief. (Referred by local offices of the Coast Guard, the Bureau of Customs and the Army Engineers.)

B. *Fraud Section matters.* Civil claims arising from fraud on the Government (other than fraud matters referred to the Antitrust, Lands, and Tax Divisions), including claims under the False Claims Act, the Surplus Property Act, the Anti-Kickback Act, the Contract Settlement Act, and common law fraud whenever the amount of single damages claimed (exclusive of double damages, forfeitures, interest, and costs) does not exceed $5,000.

C. *General Claims Section matters.* Claims by and against the Government whenever the amount claimed does not exceed $5,000, exclusive of interest and costs, as follows:

1. Claims for conversion of Government property other than ships, cargoes, or other maritime property.

2. Claims by the Department of Agriculture for the recovery of civil penalties for violations of the provisions of the Agricultural Adjustment Act of 1938; 7 U.S.C. 1314, 1340, 1346, 1356, 1359, 1376, and 1380n.

3. Claims by the Department of Agriculture for the recovery of civil penalties for violations of the Packers and Stockyards Act; 7 U.S.C. 203, 215.

4. Claims by the Department of Agriculture for the recovery of civil penalties for violations of contracts entered into under the Soil Bank Act; 7 U.S.C. 1811.

5. Claims by the Federal Communications Commission for the recovery of forfeitures under the Communications Act of 1934, as amended; 47 U.S.C. 510.

6. Claims by the Interstate Commerce Commission for the recovery of civil penalties for the violation of car service orders under the Interstate Commerce Act, as amended; 49 U.S.C. 1(12), 1(15), 1(17)(a).

7. Claims by the Federal Crop Insurance Corporation (Department of Agriculture) under the Federal Crop Insurance Act; 7 U.S.C. 1508, et seq.

8. Claims by the Farmers Home Administration of the Department of Agriculture under the Farmers Home Administration Act of 1946; 7 U.S.C. 1921, et seq.

9. Claims by the Commodity Credit Corporation of the Department of Agriculture under the Commodity Credit Corporation Charter Act; 15 U.S.C. 714, et seq.

10. Claims by the Department of Agriculture arising under the Soil Conservation and Allotment Act; 16 U.S.C. 590a, et seq. and other conservation practices programs.

11. Claims by the Army and Air Force Exchange Service sounding in contract or quasi-contract.

12. Claims by the Civil Service Commission based upon notes assigned to it by employee insurance companies.

13. Claims by the Federal Housing Administration on account of loans made or insured by that agency.

14. Claims referred upon General Accounting Office certificates of indebtedness or proofs of claim, including Veterans Administration and military overpayments, except those involving carriage of goods by water.

15. Claims by the Small Business Administration arising out of the lending activities of that agency, except loans on the security of vessels.

16. Claims by the Department of the Treasury for the collection of customs duties and recoveries on bonds provided by importers.

17. Claims by the Veterans Administration for the escheat of funds pursuant to 38 U.S.C. 3202(e) and for the vesting of personal estates pursuant to 38 U.S.C. 5220–5228.

18. Claims by the Veterans Administration on account of farm, business, and home loans, made, guaranteed, or insured by that agency.

19. Suits in which the United States has been made a party defendant pursuant to 28 U.S.C. 2410, except liens on vessels or other maritime property.

D. *General Litigation Section matters.* Claims seeking specific relief, as follows:

1. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Agricultural Adjustment Act of 1938; 7 U.S.C. 1376.

2. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Packers and Stockyards Act; 7 U.S.C. 203, 216.

3. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Perishable Agricultural Commodities Act; 7 U.S.C. 499c(a), 499h(d).

E. *Tort Section matters.* 1. Claims for damage to Government property, other than ships, cargoes, or other maritime property whenever the amount claimed does not exceed $5,000 exclusive of interest and costs.

2. Federal Tort Claims Suits—

a. Suits under the Federal Tort Claims Act, 28 U.S.C. 1346(b), whenever all claims for damages arising out of one incident do not exceed $5,000.

b. In all suits under the Federal Tort Claims Act, regardless of amount claimed, the United States Attorney may compromise all claims arising out of one incident for an aggregate amount of $5,000 or less without prior approval of the Assistant Attorney General unless previously instructed to the contrary.

F. *Civil Division judgments.* Final civil judgments in favor of the United States in cases in which the judgment amount does not exceed $5,000 exclusive of interest and costs.

SEC. 4. *Exceptions to special delegations of authority.* Notwithstanding any of the provisions of this Memorandum, United States Attorneys shall not compromise or close any claim described in this Memorandum in any case in which (1) there is a divergence of views between the United States Attorney and the agency or department originating the claim as to the action to be taken when the views of such agency are required to be obtained (see Section 5 of this Memorandum); or (2) the claim involves a new point of law (or otherwise may constitute a significant precedent); or (3) in the opinion of the United States Attorney, or of the Assistant Attorney General, a question of policy is, or may be, involved. In such cases, a compromise or closing memorandum must be submitted to the Assistant Attorney General for approval.

SEC. 5. *Solicitation of agency recommendation for compromise.* The views and recommendations of the referring office of agencies and departments for the compromising and closing of claims involving authority delegated by this Memorandum should be obtained whenever: (1) the agency or department has specifically requested that it be consulted; (2) a question of agency or department policy is or may be involved; (3) a question of enforcement is present, i.e., cases involving civil fines and penalties.

SEC. 6. *Bases for compromise or closing of claims and judgments.* (a) A claim may be compromised or closed by a United States Attorney pursuant to the authority delegated by this Memorandum even though substantial legal or factual problems exist, but only if the amount of the offer fairly reflects the litigative probability and no question of policy or enforcement is present.

(b) A claim or a judgment may be compromised or closed on the basis of doubtful collectibility, having due regard for the debtor's anticipated future financial status. A claim or a judgment may be closed if the cost of further collection efforts will substantially exceed the amount that can be recovered thereby.

(c) Whenever a claim is closed or compromised by a United States Attorney pursuant to the authority conferred upon him by this Memorandum, he shall execute and place in the file a memorandum which shall contain a description of the claim and a full statement of the reasons for closing it.

SEC. 7. *Appeals.* All judicial decisions adverse to the Government involving these claims must be reported promptly to the Assistant Attorney General.

SEC. 8. *Revocations.* The following-described orders and memoranda are hereby superseded: Order No. 103-55, as amended, revised, and supplemented, Memo No. 119, Order No. 266-62, Order No. 301-63, Memo No. 180, as supplemented, Memo No. 351.

This Memorandum shall be effective upon the date of its publication in the FEDERAL REGISTER.

JOHN W. DOUGLAS,
Assistant Attorney General,
Civil Division.

Approved: June 3, 1964.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 64-5780; Filed, June 8, 1964; 11:16 a.m.]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims

Appendix—Redelegations of Authority To Compromise and Close Civil Claims

The following redelegation is added to the appendix to Subpart W of Part 0, Chapter I, Title 28 of the Code of Federal Regulations:

CRIMINAL DIVISION

[Memo No. 375]

STANDARDS AND PROCEDURES WITH RESPECT TO CRIMINAL PROSECUTIONS INVOLVING CERTAIN AGRICULTURAL MARKETING QUOTA PENALTY CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly Sections 0.55, 0.160, 0.162, 0.164, 0.166, and 0.169, it is hereby ordered as follows:

SECTION 1. *Purpose.* The purpose of this Memorandum is to prescribe standards and procedures for United States Attorneys with respect to the handling of the criminal aspects of agricultural marketing quota penalty cases which are submitted to the United States Attorneys by direct referral from the attorney in charge of the local office of the General Counsel of the Department of Agriculture (hereinafter in this Memorandum referred to as the General Counsel). Supplement No. 1 of October 26, 1955, to Memorandum No. 119 is hereby superseded. Attention is invited to the fact that Memorandum No. 374, of June 3, 1964, which superseded Memorandum No. 119 of December 8, 1954, deals with the civil aspects of agricultural marketing quota penalty cases.

SEC. 2. *Scope of authority.* (a) The authority conferred by this Memorandum is applicable to alleged criminal violations involving the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1311-1376), in cases in which the gross amount involved does not exceed $5,000.

(b) Matters involving alleged criminal violations of the Agricultural Adjustment Act of 1938, as amended, shall be referred directly to the United States Attorney concerned by the attorney in charge of the local office of the General Counsel which has jurisdiction over any such matter requiring action. United States Attorneys may initiate criminal prosecution or decline to do so as they, in their judgment, may deem appropriate. United States Attorneys are, of course, urged to obtain the advice and assistance of this Department whenever they feel that such advice and assistance might be helpful.

SEC. 3. *Correspondence*—(a) *With the Department of Justice.* Inquiries to the Department concerning any matters covered by this Memorandum should be directed to the attention of the Assistant Attorney General in charge of the Criminal Division (hereinafter in this Memorandum referred to as the Assistant Attorney General). Any such inquiry should be accompanied by copies of all pertinent correspondence and other documents, including the indictment if one shall have been returned, since files concerning these matters will not be maintained in Washington.

(b) *With the Department of Agriculture.* Correspondence calling for additional factual details, and requests for investigations, documents, witnesses, and similar matters, should be directed to the General Counsel's attorney in charge who originated the matter. However, only the United States Attorney and his duly appointed assistants are authorized to exercise any control whatsoever over the handling of any such matter referred to the United States Attorney for action. The United States Attorney is charged with the entire responsibility for the manner in which such matters are handled.

SEC. 4. *Closing of the Prosecution.* (a) United States Attorneys may decline to prosecute any case involving a matter covered by this Memorandum without prior consultation or approval of the Assistant Attorney General. If, however, prosecution has been initiated by way of indictment or information, the indictment or information shall not be dismissed until authority to do so has been obtained from the Assistant Attorney General or his representative unless the reason for the dismissal is one which does not necessitate the prior approval of the Criminal Division. (See United States Attorneys' Manual, Title 2: *Criminal Division*, pages 18-20.)

(b) In each instance in which a case is closed by a United States Attorney and in which prior approval of the Assistant Attorney General or his representative has not been obtained, a memorandum shall be prepared and placed in the file describing the action taken and the reasons therefor.

SEC. 5. *Appeals.* The instructions existing with reference to criminal appeals shall govern appeals in cases covered by this Memorandum.

This Memorandum shall be effective upon its publication in the FEDERAL REGISTER.

HERBERT J. MILLER, JR.,
Assistant Attorney General,
Criminal Division.

Approved: June 3, 1964.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 64-5781; Filed, June 8, 1964; 11:16 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 64-31]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Miscellaneous Amendments

By Coast Guard General Order No. 17, dated March 18, 1964, the Secretary of the Treasury approved changes in the district boundaries between the Third and Fifth Districts and between the Eleventh and Twelfth Districts. In order to provide for an orderly transfer of jurisdiction and the administrative transition in all functions, these boundary changes and the corresponding changes in the Marine Inspection Zones and Captain of the Port Areas shall be effective July 1, 1964.

The first change revises the common boundaries between the Third and Fifth Districts in the State of Delaware so that the reaches of the Nanticoke River and the Chesapeake and Delaware Canal and Fenwick Island except Fenwick Island Light shall be in the Fifth District (Portsmouth, Va.) rather than the Third District (New York). This places all the water areas of the Nanticoke River and the Chesapeake and Delaware Canal in the Fifth District. The land masses of the State of Delaware surrounding the Nanticoke River and the Chesapeake and Delaware Canal still remain within the jurisdiction of the Third District. The jurisdiction of the Marine Inspection Zone of Baltimore, Md., will include the water areas of the Nanticoke River and the Chesapeake and Delaware Canal. The Marine Inspection Zone of Philadelphia, Pa., will retain control over the land masses in the State of Delaware surrounding the Nanticoke River and the Chesapeake and Delaware Canal. The Commander, Fifth Coast Guard District, at Portsmouth, Va., will exercise the Captain of the Port functions and supervise law enforcement for the entire Nanticoke River and Chesapeake and Delaware Canal.

The other change transfers from the Twelfth District (San Francisco) to the Eleventh District (Long Beach) jurisdiction over the Counties of Washington, Kane, San Juan, and Garfield, including Lake Powell, in the State of Utah. The Marine Inspection Zones of San Francisco and Los Angeles-Long Beach are also changed accordingly.

All actions, including marine inspections, investigations, law enforcement cases, appeals, etc., commenced prior to July 1, 1964, arising within the areas described herein as being transferred from one district or zone to another shall be continued by the originating office until completed or until mutually satisfactory arrangements are made so the district or zone assuming jurisdiction over such actions may complete actions required without jeopardizing the rights of other parties affected. However, on and after July 1, 1964, all new actions arising within such areas shall be performed by the district or zone assuming jurisdiction.

The purpose of this document is to announce the changes in Coast Guard Districts, Marine Inspection Zones, and Captain of the Port Areas, and to revise the published descriptions in §§ 3.15-1(b), 3.15-25(b), 3.15-65(b), 3.25-1(b), 3.25-15(b), 3.55-1(b), 3.55-10(b), 3.60-1(b), and 3.60-10(b) to agree with Coast Guard General Order No. 17.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632, in Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521) and 167-17 dated June 29, 1955 (29 F.R. 4976), as well as the statutes cited with the regulations cited below, the following amendments are prescribed and shall be in effect on and after July 1, 1964:

Subpart 3.15—Third Coast Guard District

1. Section 3.15-1(b) (New York) is amended to read as follows:

§ 3.15-1 Third district.

* * * * *

(b) The Third Coast Guard District shall comprise the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°39′ W.; New Jersey; Pennsylvania east of longitude 79° W.; Delaware, including Fenwick Island Light but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area between a line from Watch Hill Light due south to Montauk Point Light, thence 112° T. and a line from the Coastal end of the Third-Fifth Coast Guard District boundary, thence 122° T.

2. Section 3.15-25(b) is amended to read as follows:

§ 3.15-25 Philadelphia Marine Inspection Zone.

* * * * *

(b) The Philadelphia Marine Inspection Zone boundary starts at the southeastern boundary of Monmouth County, N.J., on the southern bank of, but not including the waters of the Manasquan River; thence following the southern boundary of Monmouth and Mercer Counties to the Delaware River; thence north following the course of and including all the waters of the Delaware River until it meets the New York State line; thence west along the New York-Pennsylvania State line to 79° W. longitude; thence due south to the Pennsylvania-Maryland State line; thence east to the junction of the Maryland-Delaware State line; thence south and east along the Maryland-Delaware State line to the sea including Fenwick Island Light but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal.

3. Section 3.15-65(b) is amended to read as follows:

§ 3.15-65 Philadelphia Captain of the Port.

* * * * *

(b) The Philadelphia Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Hereford Inlet Light to the south tower at Indian River Inlet; thence northwesterly to a point on the Delaware-Maryland boundary at 39°20′ N. latitude; thence northerly along Delaware-Maryland boundary to a point at 39°35′ N. latitude (not including the Chesapeak and Delaware Canal); thence northeasterly to a point at 40°20′ N. latitude, 74°50′ W. longitude; thence east to the 74°40′ W. longitude; thence south to the 40°07′30″ N. latitude; thence southwesterly to a point at 39°35′ N. latitude, 75°20′ W. longitude; thence southeasterly to a point 39°20′ N. latitude, 74°55′ W. longitude; thence south-southeasterly to Hereford Inlet Light.

Subpart 3.25—Fifth Coast Guard District

4. Section 3.25-1(b) (Portsmouth, Va.) is amended to read as follows:

§ 3.25-1 Fifth district.

* * * * *

(b) The fifth Coast Guard District shall comprise Maryland, Virginia, District of Columbia, North Carolina, and that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; and the ocean between a line from the coastal end of the Third-Fifth Coast Guard District boundary, thence 122° T., and a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T.

5. Section 3.25-15(b) is amended to read as follows:

§ 3.25-15 Baltimore Marine Inspection Zone.

* * * * *

(b) The Baltimore Marine Inspection Zone boundary starts at 75° W. longitude at the sea on the Delaware coast and follows the Delaware-Maryland State line west and north to the junction of the Delaware, Maryland, and Pennsylvania

State lines, including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; thence due west along the Pennsylvania-Maryland State line until it meets the West Virginia State line; thence south to the Potomac River; thence eastward along the Potomac River to the Maryland, Virginia State lines; thence south and west along the Virginia—West Virginia State line to a point 39°06′ N. latitude, 78°30′ W. longitude; thence to a point 38°19′.5 N. latitude, 77°25′.2 W. longitude; thence to a point 37°55′ N. latitude, 76°28′.2 W. longitude; thence to a point 37°55′ N. latitude, 76°16′.8 W. longitude; thence to a point 37°56′.5 N. latitude, 76°10′.5 W. longitude; thence to a point 37°57′.2 N. latitude, 76°03′ W. longitude on Chesapeake Bay; thence along the Maryland-Virgina State line to the sea.

Subpart 3.55—Eleventh Coast Guard District

6. Section 3.55–1(b) (Long Beach) is amended to read as follows:

§ 3.55–1 Eleventh district.

* * * * *

(b) The eleventh Coast Guard District shall comprise Arizona; Clark County in Nevada; Washington, Kane, San Juan, and Garfield Counties in Utah; the southern part of California comprising the Counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof; and the ocean area bounded by a line from California coast at latitude 34°58′ N. (mouth of Santa Maria River) southwesterly to latitude 24°15′ N., longitude 134°40′ W.; thence southeasterly to latitude 5° S., longitude 110° W.; thence northeasterly to the border between Guatemala and Mexico on the Pacific Coast (14°38′ N. latitude, 92°19′ W. longitude).

7. Section 3.55–10(b) is amended to read as follows:

§ 3.55–10 Los Angeles-Long Beach Marine Inspection Zone.

* * * * *

(b) The Los Angeles-Long Beach Marine Inspection Zone comprises the land masses and waters of Arizona and Clark County in Nevada; Washington, Kane, San Juan, and Garfield Counties in Utah; and also the land masses, inland and territorial waters of that part of California which includes the counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof with the exception of San Diego County, as well as all artificial islands subject to inspection on the Pacific Ocean due west thereof.

Subpart 3.60—Twelfth Coast Guard District

8. Section 3.60–1(b) (San Francisco) is amended to read as follows:

§ 3.60–1 Twelfth district.

* * * * *

(b) The Twelfth Coast Guard District shall comprise Utah, except for Washington, Kane, San Juan and Garfield Counties; Nevada, except for Clark County; and the northern part of California comprising the Counties of San Luis Obispo, Kings, Tulare, and Inyo, and all counties north thereof; the ocean area bounded by a line from the California Coast at latitude 34°58′ N. (mouth of the Santa Maria River) southwesterly to latitude 24°15′ N., longitude 134°40′ W.; thence northwesterly to latitude 40° N., longitude 150° W.; thence easterly to the California-Oregon State line.

9. Section 3.60–10(b) is amended to read as follows:

§ 3.60–10 San Francisco Marine Inspection Zone.

* * * * *

(b) The San Francisco Marine Inspection Zone comprises the land masses and waters of Utah, except for Washington, Kane, San Juan, and Garfield Counties; Nevada, except for Clark County; and all of California north of Santa Barbara, Kern, and San Bernardino Counties.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–17, June 29, 1955, 20 F.R. 4976)

Dated: June 1, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64–5704; Filed, June 8, 1964; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 946]

PART 95—CAR SERVICE

Authorization of St. Louis-San Francisco Railway Co. To Operate Over Certain Trackage of the Southern Pacific Co.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 2d day of June A.D. 1964.

It appearing, that a recent fire destroyed a bridge of the St. Louis-San Francisco Railway Co. (previously shown as the St. Louis, San Francisco, and Texas Railway Co. in corrected service order No. 946) across Post Oak Creek near Sherman, Tex.; and that the St. Louis-San Francisco Railway Co. is unable to transport traffic over its line at that point, so as to properly serve the public and that the handling, routing, and movement of this carrier's traffic (including trains) over the Southern Pacific Co. (formerly T&NO) line between that line's mile posts 324.66 and 326.69 for a distance of approximately 2.03 miles, will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.946 Revised Service Order 946.

(a) *The St. Louis-San Francisco Railway Co. authorized to operate over certain trackage of the Southern Pacific Co. (formerly T&NO).* The St. Louis-San Francisco Railway Co. is authorized to handle and move traffic (including trains) over the Southern Pacific Co. (formerly T&NO) line at Sherman, Tex., between that line's mile posts 324.66 and 326.69 for a distance of approximately 2.03 miles in order to serve the public and the commerce of the people.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 a.m., June 5, 1964.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24, Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Railroad Commission of Texas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–5675; Filed, June 8, 1964; 8:48 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC–C–3; Sub-No. 1]

PART 170—COMMERCIAL ZONES

Chicago, Ill., Commercial Zone Extension; Sag Area

MAY 17, 1964.

Order of March 12, 1964. The outstanding order in the above-captioned proceeding not yet having become effective, and an appropriate petition for reconsideration, having been filed by protestants on April 20, 1964, such order pursuant to section 17(8) of the Interstate Commerce Act, is stayed pending disposition of the matter.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–5676; Filed, June 8, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TREATMENT OF AMOUNTS RECEIVED ON CERTAIN TRANSFERS OF PATENT RIGHTS

Notice of Hearing

Proposed amendments to the regulations under section 1235 of the 1954 Code and section 117(q) of the 1939 Code, to clarify the treatment of amounts received on certain transfer of patent rights, were published in the FEDERAL REGISTER for April 21, 1964.

A public hearing on these proposed amendments to the regulations will be held on Tuesday, June 23, 1964, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, by June 19, 1964.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 64-5699; Filed, June 8, 1964; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO-101-A29]

MILK IN CHICAGO, ILL., MARKETING AREA

Recommended Decision

Correction

The "notice of recommended decision and opportunity to file written exceptions on proposed amendments to tentative marketing agreement and to order" issued by the Deputy Administrator, Agricultural Marketing Service on May 26, 1964, and published in the FEDERAL REGISTER of May 29, 1964 (29 F.R. 7098; Doc. 64-5399), is hereby corrected as follows:

1. In column 3, page 7100, the last sentence of the fifth complete paragraph is deleted.

2. In column 2, page 7101, the third complete paragraph is deleted.

3. In column 3, page 7101, the third complete paragraph is deleted and the following paragraphs "(c)" and "(d)" are redesignated "(b)" and "(c)", respectively.

4. In column 3, page 7101, the second sentence of the eighth complete paragraph is revised to read: "The principal point made here, however, is that one characteristic these markets have in common is that they are large."

5. In column 3, page 7102, in the third sentence of the second complete paragraph ", is operated separately," is deleted.

6. In column 2, page 7103, the first two sentences of the second complete paragraph are revised to read: "The skim milk and butterfat accounting procedure herein provided is used in most Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved".

7. In column 1, page 7104, the first sentence of the sixth complete paragraph is revised to read: "Milk used in the manufacture of cottage cheese in a Chicago approved grade A plant must be from grade A sources."

8. In column 2, page 7105, the third sentence of the second complete paragraph is revised to read: "Under this latter method any increase in a handler's inventory at the end of the month over that for the preceding month is added to his class III utilization; conversely, a closing inventory decrease from the preceding month is subtracted from the handler's class III utilization.

9. In column 1, page 7109, the first three sentences of the first complete paragraph are revised to read: "Location differentials recognize that fluid milk similarly located with respect to the Chicago market and similarly used should be similarly priced. Milk available at locations nearest this market, by virtue of its location, is more valuable and should command a higher price than milk relatively more distant from it. The price for nearby milk should be higher than that for more distant milk by an amount which reflects the difference in cost of transporting milk to the Chicago marketing area."

10. In column 2, page 7109, in the third sentence of the third complete paragraph "is customarily contained in Federal milk marketing orders and" is deleted.

11. In column 2, page 7109, the second sentence of the fourth complete paragraph is revised to read: "The order would exempt such operators from minimum pricing but they should be required to make reports to the market administrator as required."

12. In column 3, page 7110, the second sentence of the third complete paragraph is deleted and the third sentence of such paragraph is revised to read: "Neither was it shown that there are compelling reasons to provide for the diversion of producer milk between pool plants at this time."

13. In column 3, page 7111, in the proviso of the introductory text of § 1030.12, "is operated separately" is deleted.

14. In column 1, page 7112, paragraph (b) in § 1030.13 is deleted and paragraphs "(c)" and "(d)" are redesignated "(b)" and "(c)", respectively.

15. In column 1, page 7113, § 1030.22 (i) is revised to read:

(i) Prepare and disseminate for the benefit of producers, consumers and handlers, such statistics and information as he deems advisable and as do not reveal confidential information;

16. In column 2, page 7114, § 1030.43 (d)(3) is revised to read as follows:

(3) Satisfactory proof is furnished to the market administrator that such transfers or diversions are not in excess of the total class II utilization at the nonpool plant; and

17. In column 2, page 7116, the heading of § 1030.72 is revised to read:

§ 1030.72 Location differentials to producers.

[7 CFR Parts 1032, 1062, 1067]

[Docket Nos. AO-313-A3-RO2, AO-10-A29, AO-222-A13]

MILK IN SUBURBAN ST. LOUIS; ST. LOUIS, MO.; AND OZARKS MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the suburban St. Louis; St. Louis, Mo.; and Ozarks marketing areas, which was issued May 15, 1964 (29 F.R. 6630), is hereby extended to June 22, 1964.

Dated: June 3, 1964, Washington, D.C.

S. R. SMITH,
Administrator, Agricultural Marketing Service.

[F.R. Doc. 64-5707; Filed, June 8, 1964; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

NATURAL FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

Proposed List of Safe Substances

The Commissioner of Food and Drugs proposes the issuance of a food additive regulation to prescribe the safe use of natural flavoring substances and adjuvants. As in the case of synthetic flavoring substances and adjuvants, the recognition that natural substances are widely used in food processing requires that a regulation issue to identify those that may be safely used, in order to safeguard the public health. There is no general recognition of the safety of these substances among experts qualified by training and experience because the data required to arrive at such a conclusion are not readily available to all such experts.

The Commissioner of Food and Drugs, in reaching a conclusion of safety with respect to the substances listed in the proposed order, has relied in part upon experience based on the common use of these substances in food prior to 1958, and on metabolic and toxicity studies of synthetic flavors that occur in many natural substances used as flavors. Additionally, data contained in a petition (FAP 1318) filed by International Vermouth Institute, c/o Buchman & Buchman, 292 Madison Avenue, New York 17, N.Y.; Federazione Italiana Industrie, Vini e. Liquori, c/o Buchman & Buchman, 292 Madison Avenue, New York 17, N.Y., and Wine Institute, National Press Building, Washington, D.C., were evaluated and serve in part as a basis for this proposal. Finally, relatively low and essentially self-limiting quantities are involved when these substances are used in food, consistent with good manufacturing practice.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1786; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner proposes the issuance of the following new section:

§ 121.— Natural flavoring substances and natural substances used in conjunction with flavors.

Natural flavoring substances and natural adjuvants may be safely used in food in accordance with the following conditions.

(a) They are used in the minimum quantity required to produce their intended physical or technical effect, and in accordance with all the principles of good manufacturing practice.

(b) In the appropriate forms (plant parts, fluid and solid extracts, concretes, absolutes, oils, gums, balsams, resins, oleoresins, waxes, and distillates) they consist of one or more of the following, used alone or in combination with flavoring substances and adjuvants generally recognized as safe in food, previously sanctioned for such use, or regulated in any section of this Subpart D.

Common name	Scientific name	Limitations
Agaric, white	*Fomes officinalis* (Vill. ex Fr.) Lloyd (*Polyporus officinalis* Vill. ex Fr.).	In alcoholic beverages only.
Althea root and flowers	*Althea officinalis* L.	
Amyris (West Indian sandalwood).	*Amyris balsamifera* L.	
Arnica flowers	*Arnica montana* L., *A. fulgens* Pursh, *A. sororia* Greene, or *A. cordifolia* Hooker.	In alcoholic beverages only.
Artemisia (wormwood)	*Artemisia* spp.	In alcoholic beverages only; not more than 10 p.p.m. thujone in the finished beverage.
Artichoke leaves	*Cynara scolymus* L.	In alcoholic beverages only.
Beeswax, white (Cire d'abeille).	*Apis mellifera* L.	
Benzoin resin	*Styrax benzoin* Dryander, *S. paralleloneurus* Perkins, *S. tonkinensis* (Pierre) Craib ex Hartwich, or other spp. of the Section *Anthostyrax* of the genus *Styrax*.	
Blackberry bark	*Rubus*, Section *Eubatus*.	
Boronia flowers	*Boronia megastigma* Nees.	
Buchu leaves	*Barosma betulina* Bartl. et Wendl., *B. crenulata* (L.) Hook., or *B. serratifolia* Willd.	
Buckbean leaves	*Menyanthes trifoliata* L.	In alcoholic beverages only.
Cajeput	*Malaleuca leucadendron* L. and other *Melaleuca* spp.	
Calumbaroot	*Jateorhiza palmata* (Lam.) Miers	In alcoholic beverages only.
Camphor tree	*Cinnamomum camphora* (L.) Nees et Eberm.	Safrole free.
Cascara sagrada	*Rhamnus purshiana* DC.	
Cassie flowers	*Acacia farnesiana* (L.) Willd.	
Catechu, black	*Acacia catechu* Willd.	
Cedar, white (arbor-vitae), leaves and twigs.	*Thuja occidentalis* L.	Not more than 10 p.p.m. thujone in the finished food.
Centaury	*Centaurium umbellatum* Gilib.	In alcoholic beverages only.
Cherry pits	*Prunus avium* L. or *P. cerasus* L.	Not to exceed 25 p.p.m. prussic acid.
Cherry-laurel leaves	*Prunus laurocerasus* L.	Not to exceed 25 p.p.m. prussic acid.
Chirata	*Swertia chirata* Buch.-Ham.	In alcoholic beverages only.
Cinchona, red, bark	*Cinchona succirubra* Pav. or its hybrids.	In beverages only; not more than 83 p.p.m. total cinchona alkaloids in finished beverage.
Cinchona, yellow, bark	*Cinchona ledgeriana* Moens, *C. calisaya* Wedd., or hybrids of these with other spp. of *Cinchona*.	In beverages only; not more than 83 p.p.m. total cinchona alkaloids in finished beverage.
Copaiba	South American spp. of *Copaifera* L.	
Costmary	*Chrysanthemum balsamita* L.	In alcoholic beverages only.
Costus root	*Saussurea lappa* Clarke.	
Cubeb	*Piper cubeba* L. f.	
Currant, black, buds and leaves.	*Ribes nigrum* L.	
Davana	*Artemisia pallens* Wall.	
Dill, Indian	*Anethum sowa* Roxb. (*Peucedanum graveolens* Benth. et Hook., *Anethum graveolens* L.).	
Dittany (fraxinella) roots	*Dictamnus albus* L.	In alcoholic beverages only.
Dittany of Crete	*Origanum dictamnus* L.	
Elder tree leaves	*Sambucus nigra* L.	In alcoholic beverages only; not to exceed 25 p.p.m. prussic acid.
Elecampane rhizome and roots.	*Inula helenium* L.	In alcoholic beverages only.
Elemi	*Canarium commune* L. or *C. luzonicum* Miq.	
Erigeron	*Erigeron canadensis* L.	
Eucalyptus globulus leaves	*Eucalyptus globulus* Labill.	
Fir ("pine") needles and twigs.	*Abies sibirica* Ledeb., *A. alba* Mill., *A sachalinensis* Masters or *A. mayriana* Miyabe et Kudo.	
Fir, balsam, needles and twigs.	*Abies balsamia* (L.) Mill.	
Galanga, greater	*Alpinia galanga* Willd.	In alcoholic beverages only.
Galbanum	*Ferula galbaniflua* Boiss. et Buhse and other *Ferula* spp.	
Gambir (catechu, pale)	*Uncaria gambir* (Hunter) Roxb.	
Genet flowers	*Spartium junceum* L.	
Gentian rhizone and roots	*Gentiana lutea* L.	
Gentian, stemless	*Gentiana acaulis* L.	In alcoholic beverages only.
Germander, chamaedrys	*Teucrium chamaedrys* L.	Do.
Germander, golden	*Teucrium polium* L.	Do.
Guaiac	*Guaiacum officinale* L.	
Guarana	*Paullinia cupana* HBK.	
Haw, black, bark	*Viburnum prunifolium* L.	
Hemlock needles and twigs	*Tsuga canadensis* (L.) Carr. or *T. heterophylla* (Raf.) Sarg.	
Hyacinth flowers	*Hyacinthus orientalis* L.	
Iceland moss	*Cetraria islandica* Ach.	In alcoholic beverages only.
Imperatoria	*Peucedanum ostruthium* (L.) Koch (*Imperatoria ostruthium* L.).	Do.
Iva	*Achillea moschata* Jacq.	Do.
Labdanum	*Cistus* spp.	
Lemon-verbena	*Lippia citriodora* HBK.	In alcoholic beverages only.
Linaloe wood	*Bursera delpechiana* Poiss. and other *Bursera* spp.	
Linden leaves	*Tilia* spp.	In alcoholic beverages only.
Lovage	*Levisticum officinale* Koch.	
Maidenhair fern	*Adiantum capillus-veneris* L.	In alcoholic beverages only.
Maple, mountain	*Acer spicatum* Lam.	
Mimosa (black wattle) flowers	*Acacia decurrens* Willd. var. *dealbata*.	
Mullein flowers	*Verbascum phlomoides* L. or *V. thapsiforme* Schrad.	In alcoholic beverages only.
Myrrh	*Commiphora molmol* Engl., *C. abyssinica* (Berg) Engl., or other *Commiphora* spp.	
Myrtle leaves	*Myrtus communis* L.	
Oak, English, wood	*Quercus robur* L.	In alcoholic beverages only.
Oak, white, chips	*Quercus alba* L.	Do.
Oak moss	*Evernia prunastri* (L.) Ach., *E. furfuracea* (L.) Mann, and other lichens.	Not more than 10 p.p.m. thujone in the finished food.
Olibanum	*Boswellia carteri* Birdw. and other *Boswellia* spp.	

Common name	Scientific name	Limitations
Orris root	*Iris germanica* L. (including its variety *florentina* Dykes) and *I. pallida* Lam.	
Pansy	*Viola tricolor* L.	In alcoholic beverages only.
Patchouly	*Pogostemon cablin* Benth. and *P. heyneanus* Benth.	
Peach leaves	*Prunus persica* (L.) Batsch	In alcoholic beverages only; not to exceed 25 p.p.m. prussic acid.
Pennyroyal, American	*Hedeoma pulegioides* (L.) Pers.	
Pennyroyal, European	*Mentha pulegium* L.	In alcoholic beverages only.
Pine, dwarf, needles and twigs.	*Pinus mugo* Turra var. *pumilio* (Haenke) Zenari.	
Pine, Scotch, needles and twigs.	*Pinus sylvestris* L.	
Pine, white, bark	*Pinus strobus* L.	In alcoholic beverages only.
Poplar buds	*Populus balsamifera* L. (*P. tacamahacca* Mill.), *P. candicans* Ait., or *P. nigra* L.	Do.
Quassia	*Picrasma excelsa* (Sw.) Planch. or *Quassia amara* L.	
Quebracho bark	*Aspidosperma quebracho-blanco* Schlecht, or *Quebrachia lorentzii* Griseb.	
Rhatany root	*Krameria triandra* Ruiz et Pav. or *K. argentea* Mart.	
Rhubarb root	*Rheum officinale* Baill., *R. palmatum* L., or other spp. (excepting *R. rhaponticum* L.) or hybrids of *Rheum* grown in China.	
Rhubarb, garden root	*Rheum rhaponticum* L.	In alcoholic beverages only.
Roselle	*Hibiscus sabdariffa* L.	Do.
St. Johnswort	*Hypericum perforatum* L.	Do.
Sandalwood, white (yellow, or East Indian).	*Santalum album* L.	
Sarsaparilla	*Smilax aristolochiaefolia* Mill., (Mexican sarsaparilla), *S. regelii* Killip et Morton (Honduras sarsaparilla), *S. febrifuga* Kunth (Ecuadorean sarsaparilla), or undetermined *Smilax* spp. (Ecuadorean or Central American sarsaparilla).	
Sassafras leaves	*Sassafras albidum* (Nutt.) Nees	Safrole free.
Senna, Alexandria	*Cassia acutifolia* Delile.	
Serpentaria (Virginia snakeroot).	*Aristolochia serpentaria* L.	In alcoholic beverages only.
Simaruba bark	*Simaruba amara* Aubl.	Do.
Snakeroot, Canadian (wild ginger).	*Asarum canadense* L.	
Spruce needles and twigs	*Picea glauca* (Moench) Voss or *P. mariana* (Mill.) BSP.	
Storax (styrax)	*Liquidambar orientalis* Mill. or *L. styraciflua* L.	
Tagetes (marigold)	*Tagetes patula* L., *T. erecta* L., or *T. minuta* L. (*T. glandulifera* Schrank).	
Thistle, blessed (holy thistle)	*Cnicus benedictus* L.	In alcoholic beverages only.
Thymus capitatus (Spanish "origanum").	*Thymus capitatus* Hoffmg. et Link.	
Tolu	*Myrozylon balsamum* (L.) Harms.	
Turpentine	*Pinus palustris* Mill. and other *Pinus* spp. which yield terpene oils exclusively.	
Valerian rhizome and roots	*Valeriana officinalis* L.	
Veronica	*Veronica officinalis* L.	In alcoholic beverages only.
Vervain, European	*Verbena officinalis* L.	Do.
Vetiver	*Vetiveria zizanioides* Stapf.	
Violet, Swiss	*Viola calcarata* L.	In alcoholic beverages only.
Woodruff, sweet	*Asperula odorata* L.	Do.
Yarrow	*Achillea millefolium* L.	In beverages only; not more than 10 p.p.m. thujone in the finished beverage.
Yucca, Joshua-tree	*Yucca brevifolia* Engelm.	
Yucca, Mohave	*Yucca schidigera* Roezl ex Ortgies (*Y. mohavensis* Sarg.).	

All interested persons are invited to present their views in writing regarding the proposals published in this notice. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 2, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-5622; Filed, June 8, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 71 [New], 75 [New]]

[Airspace Docket No. 63-WE-103]

JET ROUTES AND REPORTING POINTS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to parts 71 and 75 [New] of the Federal aviation regulations, the substance of which is stated below.

Jet route Nos. 84 and 94 are presently designated in part from the Reno, Nev., VORTAC via the Elko, Nev., VORTAC to the Bonneville, Utah, VOR. Jet route No. 32 is presently aligned in part from the Reno VORTAC via the Elko VORTAC to the Malad City, Idaho, VORTAC. The segment of these routes between Reno and Elko nearly overlies the antenna site of the Battle Mountain, Nev., Air Route Surveillance Radar which is used by the Salt Lake City ARTC Center for control of IFR traffic. Radar contact is frequently lost when aircraft on these routes fly over the radar antenna site.

In order to avoid the radar antenna site and provide continuous radar coverage along these segments, the FAA proposes to realign Jet route Nos. 84, 94, and 32 as follows:

1. J-84 and J-94 from the Reno, Nev., VORTAC via the Battle Mountain, Nev., VOR to the Bonneville, Utah, VOR.

2. J-32 from the Reno, Nev., VORTAC via the Battle Mountain, Nev., VOR; the Wells, Nev., VOR; to the Malad City, Idaho, VORTAC.

In addition, the Battle Mountain and Wells VORs would be designated as domestic high altitude reporting points. The Elko VORTAC would be revoked as a domestic high altitude reporting point.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW, Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 28, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-5651; Filed, June 8, 1964; 8:47 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-SO-73]

RESTRICTED AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering a proposal by the Department of the Air Force for the designation of a joint use restricted area over the coastal waters to the south and southeast of Pascagoula, Miss.

The Department of the Air Force advises that the restricted area proposed herein is needed by the Commander, Mobile Air Materiel Area, Brookley AFB, Ala., for accomplishment of F-102 fighter interceptor and F-105 fighter-bomber aircraft flight test activities associated with a maintenance and modification program known as project "Look Alike." The Air Force states that portions of these flight tests cannot be conducted in accordance with "see and avoid" concepts because the pilot's attention must be constantly directed to instrument and electronic systems of the aircraft. The proposed restricted area would provide airspace for segregation of this activity from other air traffic.

Accordingly, the Federal Aviation Agency proposes to amend § 73.44 of the Federal Aviation regulations to add the following restricted area:

R-4402 *Pascagoula, Miss.*

Boundaries. Beginning at latitude 30°14'-00" N., longitude 88°01'30" W.; to latitude 30°09'15" N., longitude 88°01'30" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°11'00" N., longitude 88°41'40" W.; to latitude 30°16'00" N., longitude 88°32'30" W.; to latitude 30°18'00" N., longitude 88°11'30" W.; to the point of beginning.

Designated altitudes. 1,000 feet MSL to 23,500 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.

Using agency. Commander, Brookley AFB, Ala.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 21, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-5652; Filed, June 8, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[General Order 4; Docket 1186]

LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Refund of Fee

Notice is hereby given that the Commission is considering amending § 510.5 (b) of General Order 4, effective December 22, 1961 (26 F.R. 12252). The purpose of this amendment is to specify the circumstances under which the required $100 independent ocean freight forwarder license application fee may be refunded:

§ 510.5 Requirements for licensing.

* * * * *

(b) A person desiring to engage in carrying on the business of forwarding shall submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, an application in triplicate, executed on Form FMC-18, hereby prescribed for this purpose. Such application shall be accompanied by an application fee of $100 by money order, certified or cashier's check, made payable to the Federal Maritime Commission. The application fee shall be returned only when application for return is made within 1 year of denial of the license or 1 year from the date of adoption of the rule, whichever is later, and when on the face of the application the applicant fails to meet the requirements of section 44, Shipping Act, 1916, or the regulations promulgated thereunder. In no event shall the application fee be returned where a field investigation of applicant's qualifications has been conducted, or an application has been denied on the basis of a hearing pursuant to § 510.8(a). Applications denied prior to hearing, without prejudice, may be refiled on the basis of changed facts within 1 year of the denial or 1 year from the date of adoption of this rule, whichever is later, without additional fee.

* * * * *

Participation in this proceeding. Interested persons may participate in the reconsideration of the above rule by filing with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days from the publication of this notice in the FEDERAL REGISTER, an original and 14 copies of their views or arguments pertaining to the proposed revised rule. All suggestions for changes in the proposed rule should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b)). The Commission will not hear oral arguments with respect to the proposed amended rule.

By order of the Commission, May 28, 1964.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 64-5691; Filed, June 8, 1964; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order 150-60]

COMMISSIONER OF INTERNAL REVENUE AND CHIEF COUNSEL FOR INTERNAL REVENUE SERVICE

Delegation of Authority Regarding Certain Functions

By virtue of the authority vested in me by reorganization plan No. 26 of 1950, there are hereby transferred to the Commissioner of Internal Revenue the functions of the Secretary of the Treasury, and to the Chief Counsel for the Internal Revenue Service the functions of the General Counsel for the Department of the Treasury, under section 3469 of the Revised Statutes, as amended (31 U.S.C. 194), insofar as claims arising in the administration of the internal revenue laws are concerned.

The Commissioner or the Chief Counsel may, in such manner as he shall from time to time direct, delegate to his subordinates any function transferred to him by this order.

Dated: June 3, 1964.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-5683; Filed, June 8, 1964; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 075082]

FLORIDA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 2, 1964.

By letter of November 12, 1963, the Department of the Army, Office of the Chief Engineers, Washington, D.C., filed application BLM 075082 (ENGRE-AP) requesting the withdrawal of public domain lands, described below, from all forms of appropriation, entry or sale under the public land laws, including the U.S. mining and mineral leasing laws, to be reserved for use of the National Aeronautics and Space Administration.

The applicant desires the land to be used in connection with their Manned Lunar Landing Program, John F. Kennedy Space Center, NASA, Fla.

Lot 50, sec. 30, T. 22 S., R. 37 E., and lot 1, sec. 9, T. 23 S., R. 37 E., Tallahassee meridian, Fla., is involved in pending litigation and the final determination concerning this proposed withdrawal will be subject to the findings of the court.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are as follows:

TALLAHASSEE MERIDIAN, FLORIDA

BREVARD COUNTY

T. 20 S., R. 36 E.,
Sec. 10, All fr'l; containing 0.01 acre.
T. 21 S., R. 36 E.,
Sec. 13, lot 6; containing 11.05 acres.
T. 22 S., R. 36 E.,
Sec. 35, SE¼SW¼, NW¼SW¼ containing 80.00 acres.
T. 21 S., R. 37 E.,
Sec. 18, lot 6; containing 1.34 acres.
T. 22 S., R. 37 E.,
Sec. 19, lot 26; containing 4.74 acres;
Sec. 30, lot 47; containing 1.28 acres;
Sec. 30, lot 50; containing 12.83 acres.
T. 23 S., R. 37 E.,
Sec. 9, lot 1; containing 21.96 acres.

The areas described aggregate 133.21 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-5668; Filed, June 8, 1964; 8:48 a.m.]

[Serial Nos. Idaho 013986, 013995, and 014908]

IDAHO

Order Providing for Opening of Public Lands

JUNE 1, 1964.

1. The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the Act of August 18, 1894 (28 Stat. 422, 43 U.S.C. sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 27 E.,
Sec. 4, NE¼SE¼.
T. 8 N., R. 43 E.,
Sec. 7, SE¼SE¼.
T. 8 S., R. 14 E.,
Sec. 2, lot 4.

The areas described aggregate 119.76 acres.

2. The land in T. 3 N., R. 27 E., is located in Butte County immediately north and east of Butte City. Topography is near level. The soil is sandy silt loam over gravel and supports a sagebrush-grass vegetative cover.

3. The land in T. 8 N., R. 43 E., is located in Fremont County about 3 miles south and 2 miles east of Ashton in the Fall River Canyon. The land is primarily of a rough and rocky character.

4. The land in T. 8 S., R. 14 E., is located in Gooding County 4½ miles west of Wendell. Topography is undulating with several large lava outcroppings. The soil is a sandy loam with a sagebrush-cheatgrass vegetative cover.

5. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to the filing of petition-applications, selections, and locations in accordance with the following:

a. Petition-applications and selections under the nonmineral public land laws, except applications under the Small Tract Act, may be presented to the Manager mentioned below, beginning on the date of this order. Such petition-applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10 a.m. on July 10, 1964, will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10 a.m. on July 10, 1964.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in

title 43 of the Code of Federal Regulations.

8. Inquiries concerning the lands should be addressed to the Acting Manager, Idaho Land Office, P.O. Box 2237, Boise, Idaho, 83701.

ORVAL G. HADLEY,
Acting Land Office Manager.

[F.R. Doc. 64-5669; Filed, June 8, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

HELMUT JOSEPH AND HANS JOCHHEIM

Order Denying Export Privileges

In the matter of Helmut Joseph, The White House, Flat 343, Albany Street, London NW. 1, England, and Hans Jochheim, doing business as Interagent, Kallangsgatan 29, Goteborg, Sweden, case No. 328; respondents.

On June 26, 1963 the above respondents were charged by the Acting Director, Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the Export Control Act of 1949 as amended, and regulations thereunder. The respondents were duly served with the charging letter. The respondent Jochheim d/b/a Interagent (hereinafter referred to as Interagent) has not filed an answer or responded to the charges and he is held to be in default. The respondent Joseph has filed an answer.

The case involves the events leading up to and the ordering by the respondents from a U.S. manufacturer of semiconductor thickness gages, highly sophisticated measuring instruments, containing electronic components; the exportation of said instruments and spare parts to Sweden; and the reexportation and diversion of said commodities by Interagent to East Germany, an unauthorized destination. In connection with the participation of the respondents in the transaction, they were charged with having violated certain specific sections of the U.S. export regulations.

In accordance with the provisions of § 382.10 of the export regulations, the respondent Joseph has submitted to the Compliance Commissioner a proposal for a consent order substantially in the form hereinafter set forth. Said respondent is deemed to have admitted, for the purpose of these compliance proceedings only, the charges against him.

The Compliance Commissioner has reviewed the facts in the case and the consent proposal. He has approved the proposal and has recommended to the undersigned Director, Office of Export Control, that it be accepted. He has also recommended that the sanction as hereinafter set forth be imposed against the respondent Jochheim d/b/a Interagent. After reviewing and considering the record in the case and the Compliance Commissioner's recommendations, I hereby make the following:

Findings of facts. 1. The respondent Helmut Joseph at the times hereinafter referred to was in charge of the electronics division of a company engaged in the import-export business in London, England. The respondent Hans Jochheim was in the import-export business in Goteborg, Sweden, and did business under the trade name Interagent. The dealings by Interagent, in the transactions hereinafter described, were conducted by Jochheim personally.

2. The respondent Joseph had negotiations with a United States manufacturer of semiconductor thickness gages for the ostensible purpose of his purchasing certain of said instruments and spare parts for a customer in Europe. Following said negotiations, the respondent Joseph, on April 4, 1960, submitted to the U.S. manufacturer an order from Interagent for three of said instruments and spare parts having a value in excess of $32,000.

3. In the order to the U.S. manufacturer, Interagent stated that the destination was Goteborg, Sweden. Subsequently, Interagent requested the U.S. manufacturer to ship the instruments to Basel, Switzerland. The U.S. manufacturer requested Interagent to identify its customer in Switzerland. Interagent replied that the end-user was RFT in Frankfurt. This was intended to and did lead the U.S. manufacturer to believe that the ultimate destination of the instruments was Frankfurt/Main, West Germany. Interagent in fact intended to reexport the commodities to East Germany.

4. In October and December 1960 the U.S. manufacturer exported from the United States to Interagent in Goteborg, Sweden, the instruments and spare parts. The shipments were made under general license GRO. The commercial invoices covering the shipments, copies of which were sent to Interagent, bore the following destination control notice: "United States law prohibits disposition of these commodities to the Soviet bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam, Laos, and Cuba unless otherwise authorized by the United States."

5. Interagent knew of the prohibitions in the destination control notice and of the restrictions regarding the reexportation of goods from Sweden. Notwithstanding said knowledge, when the instruments and parts arrived in Sweden, Interagent diverted and reexported said commodities from Sweden to East Germany, a Soviet bloc destination.

6. Interagent and the U.S. manufacturer were brought together in the transaction by Joseph. Joseph knew from the inception of the transaction that when Interagent received the commodities from the United States it would onship them to a customer in East Germany, in violation of the U.S. export regulations. Joseph did not disclose these facts to the U.S. manufacturer.

From the foregoing I have concluded that the respondent Jochheim d/b/a Interagent ordered, bought, sold, and disposed of commodities exported and to be exported from the United States and subject to the export regulations with knowledge that violations of said regulations had occurred and were intended to occur; made misleading statements to and concealed material facts from the Office of Export Control through another person for the purpose of effecting an exportation from the United States, and the diversion and transshipment of said exportation; without specific authorization from the Office of Export Control knowingly disposed of, diverted, and transshipped commodities to a person and destination in violation of and contrary to the terms and conditions of an export control document and notification of prohibition against such action, all in violation of §§ 381.4, 381.5, and 381.6 of the export regulations.

I have further concluded that the respondent Joseph concealed material facts from the Office of Export Control through another person for the purpose of effecting an exportation from the United States, and the diversion and transshipment of said exportation; acted in concert with respondent Jochheim to bring about acts which constituted violations of the export regulations; caused to be ordered commodities to be exported from the United States with knowledge that violations of the export regulations were about to and intended to occur, all in violation of §§ 381.2, 381.3, 381.4, and 381.5 of the export regulations.

On consideration of the foregoing and based on the entire record, and being of the view that the following order is calculated to achieve effective enforcement of the law and the purposes thereof: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in part IV hereof, the respondent Helmut Joseph, for a period of 2 years from the effective date of this order, and the respondent Hans Jochheim, doing business as Interagent, for the duration of export controls, are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodi-

ties or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. (a) Eight months after the effective date of this order, without further order of the Bureau of International Commerce, the respondent Helmut Joseph shall have his export privileges restored conditionally and thereafter for the remainder of the 2-year denial period the said respondent shall be on probation. The conditions of such restoration are that the respondent shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

(b) Three years after the effective date hereof the respondent Hans Jochheim, doing business as Interagent, may apply to have the effective denial of his export privileges held in abeyance while he remains on probation. Such application shall be supported by evidence showing compliance with the terms of this order and such disclosure of details of his activities relating to import and export transactions during said 3 years as may be necessary to determine his compliance with this order. The application will be considered on its merits and in the light of conditions and policies existing at that time. His export privileges may be restored under such terms and conditions as appear to be appropriate.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent Joseph has knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party, and deny to said respondent all export privileges for a period up to 16 months. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondent's probation without notice, he may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the export regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with an respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: May 23, 1964.

This order shall become effective on June 9, 1964.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-5690; Filed, June 8, 1964; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL ANILINE & FILM CORPORATION, DYESTUFF & CHEMICAL DIVISION

Notice of Filing of Petition Regarding Food Additive Polyvinylpyrrolidone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1411) has been filed by General Aniline & Film Corporation, Dyestuff & Chemical Division, 435 Hudson Street, New York 14, N.Y., proposing an amendment to § 121.1139 to provide for the safe use of polyvinylpyrrolidone as an adjuvant in the granulation and coating of tableted foods for special dietary use and as a stabilizer, bodying agent, and dispersant in liquid foods for special dietary use.

Dated: June 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-5687; Filed, June 8, 1964; 8:50 a.m.]

GRIFFITH LABORATORIES, INC.

Notice of Filing of Amended Petition Regarding Food Additive Propylene Oxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that an amended petition (FAP 1107) has been filed by The Griffith Laboratories, Inc., 855 Rahway Avenue, Union, N.J., proposing the issuance of an amendment to § 121.1076 to provide for the safe use of propylene oxide as a package fumigant in or on nutmeats with the residue of propylene oxide not to exceed 300 parts per million. This amended petition is a supplement to the notices of filing which appeared in the FEDERAL REGISTER, on January 25, 1964 (29 F.R. 1334), and on May 1, 1964 (29 F.R. 5812).

Dated: June 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-5688; Filed, June 8, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, amendment No. 12, set forth below, to Facility License No. R-38, as amended. The license authorizes General Dynamics Corp. to operate its TRIGA Mark I nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes General Dynamics Corp. to operate the TRIGA Mark I reactor with certain experiments incorporating uranium-thorium fuels as described in the licensee's applications for license amendment dated May 19, 1964, and May 25, 1964, and TWX dated May 26, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in title 10, chapter I, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person

whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Reactor Licensing and (2) the licensee's applications for license amendment dated May 19, 1964 and May 25, 1964 and TWX dated May 26, 1964, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., 20545 Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of May 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-38, Amdt. 12]

Amendment to Utilization Facility License

License No. R-38, as amended, issued to General Dynamics Corp., is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in license No. R-38, as amended, General Dynamics Corp. is authorized to operate its TRIGA Mark I reactor located at Torrey Pines Mesa, Calif., with certain experiments incorporating uranium-thorium fuels, as described in its applications for license amendment dated May 19, 1964, and May 25, 1964, and TWX dated May 26, 1964.

This amendment is effective as of the date of issuance.

Date of issuance. May 27, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-5694; Filed, June 8, 1964; 8:50 a.m.]

[Docket 50-203]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued amendment No. 1, set forth below, to facility license No. CX-20. The license authorizes the General Electric Co. (the licensee) to operate its Mixed Spectrum Critical Assembly located in building 105 of General Electric's Vallecitos Atomic Laboratory in Alameda County, Calif. The amendment, in accordance with the application dated December 5, 1963, authorizes the licensee to receive, possess, and use up to 100 grams of uranium-233 and up to 40 grams of plutonium in connection with operation of the Mixed Spectrum Critical Assembly.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in title 10, chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated December 5, 1963, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of May 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License CX-20; Amdt. 1]

1. License No. CX-20 which authorizes the General Electric Co. to operate its Mixed Spectrum Critical Assembly located in building 105 of the Vallecitos Atomic Laboratory in Alameda County, Calif., is hereby amended, in accordance with the application for license amendment dated December 5, 1963, to change paragraph 3.B. to read as follows:

3.B. Pursuant to the act and title 10, CFR, chapter I, part 70, "Special Nuclear Material," to receive, possess, and use up to 1,200 kilograms of contained uranium-235 for use in connection with operation of the Critical Experiment Facility, which includes the Mixed Spectrum Critical Assembly and the Thermal Critical Assembly; and to receive, possess, and use up to 100 grams of uranium-233 and up to 40 grams of plutonium in connection with operation of the Mixed Spectrum Critical Assembly.

2. This amendment is effective as of the date of issuance.

Date of issuance: May 28, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-5638; Filed, June 8, 1964; 8:45 a.m.]

[Docket 50-221]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following the publication of notice of proposed action in the FEDERAL REGISTER on April 30, 1964 (29 F.R. 5769), the Atomic Energy Commission has issued license No. XR-52 to General Electric Co., authorizing export of a 237 megawatt electrical, boiling water nuclear power reactor to Kernkraftwerk RWE Bayernwerk G.m.b.H., Gundremmingen, Landkreis Gunzburg, Bavaria, Federal Republic of Germany. The export of this reactor to the Federal Republic of Germany is within the purview of the present agreement between the Government of the United States and the European Atomic Energy Community (EURATOM).

Dated at Bethesda, Md., this 28th day of May 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 64-5639; Filed, June 8, 1964; 8:45 a.m.]

[Docket 50-182]

PURDUE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, amendment No. 1, set forth below, to facility license No. R-87. The license authorizes Purdue University ("the licensee") to operate its pool-type nuclear reactor ("the reactor") located on the University's campus in West Lafayette, Ind. The amendment authorizes the licensee to operate the reactor at power levels up to ten (10) kilowatts thermal for a series of tests to measure radiation levels in the vicinity of the reactor as proposed in the application for license amendment dated March 22, 1963, and a supplement thereto dated October 15, 1963.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in title 10, chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice 10 CFR part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing and (2) the licensee's application for license amendment dated March 22, 1963, and supplement thereto dated October 15, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of May 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License R-87; Amdt. 1]

License No. R-87, which authorizes Purdue University to operate its pool-type nuclear reactor located on the University's campus in West Lafayette, Ind., is hereby amended as follows:

1. Purdue University is authorized to operate its reactor at power levels up to ten (10) kilowatts thermal for a series of tests to measure radiation levels in the vicinity of the reactor as proposed in its application for license amendment dated March 22, 1963, and a supplement thereto dated October 15, 1963.

This amendment is effective as of the date of issuance.

Date of issuance: May 29, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-5640; Filed, June 8, 1964; 8:45 a.m.]

[Docket 50-156]

REGENTS OF UNIVERSITY OF WISCONSIN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued amendment No. 5, as set forth below, to facility license No. R-74. The license authorizes the regents of the University of Wisconsin to operate their pool-type nuclear reactor located on the University's campus in Madison, Wis. The amendment, in accordance with the application dated October 26, 1962, and supplements thereto dated January 28, 1963, and June 27, 1963, adds a condition to the license that the time lapse from the presence of a scram condition until the control blades are free to fall shall not exceed 60 milliseconds for electronic scrams and 120 milliseconds for relay scrams.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in title 10, chapter I, CFR;

(2) Prior public notice of proposed issuance of this amendment is not required since the license amendment does not involve significant hazard considerations different from those previously evaluated.

(3) The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing or a petition for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license amendment, see (1) a copy of the application and supplements thereto, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of May 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License R-74, Amdt. 5]

1. License No. R-74, as amended, which authorizes the regents of the University of Wisconsin to operate their pool-type nuclear reactor located on the University of Wisconsin's campus in Madison, Wis., is hereby amended, in accordance with the application dated October 26, 1962, and supplements thereto dated January 28, 1963, and June 27, 1963, to include the following condition: "The time lapse from the presence of a scram condition until the control blades are free to fall shall not exceed 60 milliseconds for electronic scrams and 120 milliseconds for relay scrams."

2. This amendment is effective as of the date of issuance.

Date of issuance: May 28, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-5641; Filed, June 8, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Order E-20890]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of June 1964.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17633, R-11.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's economic regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notice to the carriers and promulgated in IATA memorandum JT12/Rates 3057 (reference JT 12/Rates 3045), names an additional specific commodity rate as set forth below.

Agreement C.A.B. 17633	Commodity item	Rate
R-11	2418	93/73/68 cents per kilogram; minimum weights 45/300/500 kilograms, respectively; Helsinki to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17633, R-11, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support

of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its actions herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-5695; Filed, June 8, 1964; 8:50 a.m.]

[Docket No. 15291]

PARSONS AIRWAYS LTD.

Notice of Hearing

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional, or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled aplication is assigned to be held on June 16, 1964, at 10 a.m., e.d.s.t., in room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 3, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-5696; Filed, June 8, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket 64-EA-4]

CABLE TV, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-4568) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Cable TV, Inc., Ogdensburg, N.Y., proposes to construct a television antenna structure at latitude 44°40'37'' north, longitude 75°31'15'' west, near Ogdensburg, N.Y. The overall height of the structure would be 580 feet above mean sea level (250 feet above ground).

The structure would be located approximately 2.6 miles west of the Ogdensburg Municipal Airport reference point (2.2 miles west of the end of runway 8).

It would exceed the standards for determining hazards to air navigation as defined in § 77.25(b)(1) (conical surface) and § 77.27(a) (instrument approach area surface) of the Federal Aviation regulations by approximately 124 feet and 72 feet respectively as applied to the above airport. Since it would be more than 200 feet above ground, and within the boundaries of VOR Federal airway No. 29, it would exceed the standards in § 77.23(a)(2) by 50 feet.

The proposed structure would not require an increase in the instrument flight rules minimum en route altitude on Victor 29. It would not adversely affect instrument approach procedures to the Ogdensburg Municipal Airport. The structure would be located beyond a normal airport traffic pattern.

The proposed structure would be located approximately 0.75 mile southwest of Ogdensburg in the fringe area of the city near the east shoreline of the St. Lawrence River. Aircraft operating under visual flight rules conditions in the vicinity of the structure site would be expected to maintain an altitude well above the height of the proposed structure. VFR flights operating along the St. Lawrence River shoreline near Ogdensburg would be influenced by the height of structures in the city specifically an antenna structure 700 feet above mean sea level (approximately 400 feet above ground) located approximately 0.25 mile east of the shoreline.

The study disclosed that there were 70 instrument approaches to the Ogdensburg Municipal Airport during fiscal year 1963. Of this number, 29 were by Air Carrier aircraft and 41 by General Aviation aircraft. A survey dated February 1, 1963, estimated a total of 579 operations at the above airport, under the following categories:

(1) Itinerant—730 Air Carrier, 2,640 General Aviation, 20 military, and;

(2) Local—2,400 General Aviation.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on May 28, 1964.

JOSEPH VIVARI, *Acting Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 64-5653; Filed, June 8, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Information Notice 1]

ADVISORY COMMITTEE FOR LAND MOBILE RADIO SERVICES

JUNE 2, 1964.

The first organizational meeting of the Advisory Committee for Land Mobile Services was held on May 26, 1964. The attendance of approximately 150 constituted a cross section of those having an interest in the problems confronting the land mobile radio services.

It was agreed at the meeting that a managerial group of approximately 25 persons would be appointed by the Federal Communications Commission to act as an Executive Committee for the full Advisory Committee.

In order to afford as broad an opportunity as possible for suggestions regarding possible appointees, interested persons or organizations are invited to submit within 15 days from the date of this notice, the names of individuals they would like to have considered. The number of names submitted by one group or individual need not be limited to one, but when more than one name is submitted, the order of preference should be indicated.

At the meeting of May 26, the question of potential areas of study by the Advisory Committee was also considered, and it was the consensus that an additional period of time for comment should be afforded. A list of suggestions regarding organizations and areas of study were distributed at the May 26 meeting and a copy of the list is set forth below. Additional suggestions are solicited and these, together with comments should be submitted within 30 days from the date of this notice.

A mailing list, made up of all those who registered at the May 26 meeting of the Committee has been established.[1] Others who wish to add their names to that list may do so by submitting their names, business addresses, and indicating their principal areas of interest.

All communications responding to this notice should be addressed to:

Advisory Committee for Land Mobile Radio Services,
Executive Secretary,
Federal Communications Commission,
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

LAND MOBILE ADVISORY COMMITTEE

SUGGESTIONS REGARDING ORGANIZATION AND AREAS OF STUDY—FOR DISCUSSION

Steering or Executive Committee. To be made up of licensees, radio equipment manufacturers, engineering consultants, legal counsel, frequency coordinators, and representatives of users and user groups, industry organizations, engineering associations, and in general, those with interest in landmobile communication problems. This committee to

[1] Filed as part of the original document.

function primarily as a managerial group, giving general guidance to the undertaking. They will determine procedures, committee structure, assignments, schedules, coordinate the work of the various committees, approve reports, make recommendations, etc.

Other Committees. The main problems and areas for investigation might be grouped into three general areas, operational, technical, and administrative. The same areas could become the basis for formation of major committees along lines somewhat as follows:

A. *Operational.* Concern in this area would be with all possible ways in which a base-mobile radio system can be utilized to meet the varied needs and requirements of the users.

The objective of a committee would be to utilize known operating techniques, and to devise new operating techniques looking toward better, more efficient and more effective use of whatever portion of the spectrum is available.

These objectives would be sought with due cognizance and consideration of the economics involved, known and potential technical developments, and the general state of the art.

A list of subjects might include:

(1) Cooperative use of base stations by more than one user or licensee. (See example G of the notice.)

(2) Utilization of multiple channel access systems.

(3) Multiplex transmitting systems.

(4) Mobile relay.

(5) Speech compression.

(6) Cross band techniques.

(7) One way, base to mobile, systems.

(8) Channel loading ceilings for both licensees and services. (See example H of the notice.)

(9) The use of multiple low power restricted coverage base stations in lieu of single stations with high power and extensive coverage.

(10) Gains or advantages accruing from the elimination or fixed operations within the mobile bands.

(11) Application of digital and broad band systems to the requirements of both common carrier and private systems.

B. *Technical.* Activity in this area would involve the study and evaluation of scientific information and data, engineering techniques, equipment capabilities, frequency propagation characteristics, etc., and in general the present and potential technical characteristics and limitations within which the mobile radio system must work.

The objectives of the committee would include making certain that all known technical developments, adapted to, or capable of adaptation to land-mobile communication requirements are examined for possible beneficial application. It would serve and advise the other committees of its findings, suggest operational and administrative techniques for study and generally aid and assist in all technical matters.

Appropriate subject matter might include items such as:

(1) The selection of suitable and appropriate frequency bands for a given service requirement. (See example D of notice.)

(2) The required band width for a given operating requirement.

(3) The proper balance between efficiency of communication and the occurrence of interference.

(4) A study of the relative merits of various modulation systems, e.g., FM, conventional AM, single sideband AM, etc.

(5) Feasibility of using frequencies above 890 Mc/s for land mobile services.

(6) Signal strength requirements, signal to noise requirements, ambient noise levels, etc.

(7) The extent of interference and tolerable limits.

(8) Service definitions in light of (6) and (7) above.

(9) Advisability and feasibility of more precise specification of power, antenna height, location and gain. (See examples A, B, and C of notice.)

(10) Receiving antenna characteristics, (See example E of notice.)

(11) Use of variable power base stations with power adjusted to minimum needed for each communication. (See example F of notice.)

(12) Report on technical developments in multiplex, digital and other compressed information transmission systems, broad band systems in general, etc.

C. *Frequency Utilization and Administration.* The basic concerns under this heading would be with the manner in which the assignable frequency space is to be made available to the users. The basic objective would be a practicable frequency management procedure that, from that viewpoint, would insure the fullest possible utilization of the limited spectrum.

Items for study might include:

(1) The mammoth EIA frequency utilization study.

(2) Better and more useful records, i.e., actual assignments, actual transmitters in service, actual antenna height, effective radiation, etc.

(3) Frequency coordination procedures.

(4) Handling of applications.

(5) Licensing procedures.

(6) Service sharing possibilities including reassessment of geographical sharing plans (Dr. Rust's proposal).

(7) Private systems and common carrier relationships, i.e., which service best meets which users needs?

[F.R. Doc. 64-5701; Filed, June 8, 1964; 8:52 a.m.]

[FCC 64-512; List 59]

STANDARD BROADCAST APPLICATIONS

Available for Processing

JUNE 4, 1964.

The applications listed below are mutually exclusive with certain applications already on file with the Commission. The United States Court of Appeals for the District of Columbia Circuit in the case of Kessler v. F.C.C., 1 R.R. 2d 2061 (1963) ordered that these applications be accepted for filing and designated for hearing in consolidated proceedings with the proper mutually exclusive applications on file. Accordingly, notice is hereby given that on June 3, 1964, the following listed applications will be considered as ready and available for processing.

New, Monticello, Fla.
William S. Dodson d/b as Radio Monticello.
Req: 1090 kc, 1 kw, Day, class II.
New, Oshkosh, Wis.
Radio Oshkosh, Inc.
Req: 690 kc, 1 kw, DA-Day, class II.

The attention of any party in interest desiring to file pleadings concerning either of the applications pursuant to section 309(d) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: June 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-5702; Filed, June 8, 1964; 8:52 a.m.]

[Docket No. 12865, 12866; FCC 64R-309]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Memorandum Opinion and Order Amending Issues

By the Review Board: Board Member Nelson concurring in the result.

In re applications of Chronicle Publishing Co. (KRON-TV), San Francisco, Calif., docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, Calif., docket No. 12866, File No. BPCT-2401; for construction permits to increase antenna height.

1. The Review Board has before it for consideration three separate petitions for modification of issues, and responsive pleadings.[1a] The petitions were filed by applicants Chronicle Publishing Co. (KRON-TV) (Chronicle), and American Broadcasting-Paramount Theatres, Inc. (KGO-TV), (KGO), and Westinghouse Broadcasting Co., Inc. (Westinghouse), licensee of station KPIX in San Francisco and an intervenor in this proceeding. Both applicants wish to construct tall towers on their respective existing antenna sites. The two applications were originally designated for hearing in an order released May 4, 1959 (FCC 59-407). Issues were designated concerning national defense objections raised by the Department of the Army, existence of an air hazard based on a recommendation of the Washington Airspace Panel of the Air Coordinating Committee, and comparative considerations in light of the

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[1] Commissioners Bartley and Ford absent.

[1a] Pleadings before the Board are: (1) Petition for modification of issues, filed March 27, 1964, by American Broadcasting-Paramount Theatres, Inc. (KGO-TV); (2) Petition for modification of issues, filed April 3, 1964, by Chronicle Publishing Co. (KRON-TV); (3) Opposition to (1), filed April 3, 1964, by Chronicle; (4) Petition for modification of issues, filed April 9, 1964, by Westinghouse Broadcasting Co., Inc.; (5) Reply to (1), filed April 9, 1964, by Air Transport Association of America (ATA); (6) Opposition to (1), filed April 9, 1964, by the Broadcast Bureau; (7) Reply to (4), filed April 14, 1964, by ATA; (8) Reply to (3), (5) and (6), and opposition to (2) and (4), filed April 23, 1964, by KGO; (9) Opposition to (2), filed April 23, 1964, by ATA; (10) Broadcast Bureau comments on (2) and (4), filed April 23, 1964; (11) Errata to (10), filed April 24, 1964, by the Broadcast Bureau; (12) Reply to (8), (9) and (10), filed May 5, 1964, by Chronicle; and (13) Reply to (10), filed May 5, 1964, by KGO.

evidence on the first two issues. Through the intervention of time and circumstances, the issues as they were originally designatd have become outmoded. The national defense issue has become moot bcause the Army has withdrawn its objections, and the Federal Aviation Agency (FAA) has under consideration the aeronautical conditions in the San Francisco area, and its report on which the air hazard issue was based is no longer current. Therefore, before this proceeding can go to hearing, a modification of issues is necessary to reflect current circumstances. The three petitioners have submitted their own suggestions as to the form which the new issues ought to take, and in addition, the Broadcast Bureau and the Air Transport Association of America (ATA), another intervenor, have made their own proposals in responsive pleadings. Thus, there are five separate formulations, and they conflict in varying degrees with one another.

2. First, it is generally agreed that there should be some sort of disqualifying air hazard issue as to each of the two applicants, and such issues are, therefore, being included. The parties request in addition the inclusion of an issue which would require a comparative consideration of the applicants' proposals in the event that either of the sites, but not both, is acceptable from the air hazard standpoint. While a comparison was called for by the original designation order, the circumstances upon which the inclusion of this issue was based have changed substantially. Thus, as has been indicated, the Department of the Army no longer objects to a grant of either proposal, and the air clearance previously granted Chronicle Publishing Co. has been withdrawn. In October 1961, a preliminary determination was issued by an official of the FAA recommending denial of both applications. This matter is now pending before the Administrator of the FAA. None of the parties in the pleadings before us alleges any facts suggesting the likelihood that either site, but not both sites, would be approved. In the absence of any showing to that effect, the addition of a comparative issue is not warranted.[2] We reject the request that an antenna farm issue be added; a rule making proceeding is better adapted for consideration of the establishment of an antenna farm than is an adjudicatory proceeding.

3. Lastly, Chronicle alleges that KGO does not have a site for its proposed tall antenna in that the zoning is now against KGO, no effort to get the zoning changed has been made, and thus KGO has not shown the required availability of site. Chronicle therefore requests an availability of site issue. This request is opposed by KGO and the Broadcast Bureau. An applicant is not required to have the approval of the zoning authority, only "reasonable assurance" of approval.[3] And, as the Review Board said in Eastside Broadcasting Co., FCC 63R-528, 1 R.R. 2d 763, "There is an assumption that the local zoning authority will approve the applicant's proposal, Indianapolis Broadcasting, Inc., 10 R.R. 1010c (1954)." The letters attached to Chronicle's petition do not show that zoning approval is unlikely, only that it must be sought.

Accordingly, it is ordered, This 3d day of June 1964, that the petitions for modification of issues, filed March 27, 1964, by American Broadcasting-Paramount Theatres, Inc. (KGO-TV), April 3, 1964, by Chronicle Publishing Co. (KRON-TV), and April 9, 1964, by Westinghouse Broadcasting Co., Inc., are granted to the extent indicated herein, and in all other respects denied; and the issues in this proceeding are modified to read as follows:

1. To determine whether the antenna system and site proposed by Chronicle Publishing Co. (KRON-TV) would constitute a menace to air navigation.

2. To determine whether the antenna system and site proposed by American Broadcasting-Paramount Theatres, Inc. (KGO-TV) would constitute a menace to air navigation.

3. To determine, in the light of the foregoing issues, which of the applications, if either, should be granted.

Released: June 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-5703; Filed, June 8, 1964; 8:53 a.m.]

[2] Our ruling here does not preclude a renewed request for a comparative issue in the event circumstances show the need therefor.

[3] Massillon Broadcasting Co., Inc., FCC 61-1102, 22 R.R. 95.

FEDERAL MARITIME COMMISSION

BOARD OF HARBOR COMMISSIONERS, LOS ANGELES (PORT) AND MORTIMER, BYCRAFT, AND WALLACE CO.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-138, between the Board of Harbor Commissioners of the city of Los Angeles (Port), and Mortimer, Bycraft, and Wallace (Company), provides for a 20 year lease of certain property at Los Angeles for the handling, storing, and transporting of vegetable oils, animal oils, and grains. Company has the right to maintain and operate pipelines for the purpose of discharging products between vessel and the leased property. Company will have the use of berth 174 for the accommodation of vessels, subject to all applicable provisions of the Port's tariff. The parties have informed us that all cargo handled at the facility by Company will also be assessed charges according to the Port's tariffs. As compensation, Company agrees to pay a fixed amount as specified within the agreement.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or notification, together with a request for hearing, should a hearing be desired.

Dated: June 3, 1964.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 64-5670; Filed, June 8, 1964; 8:48 a.m.]

PORTUGAL/UNITED STATES ATLANTIC RATE AGREEMENT

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9349, between American Export Lines, Inc., Prudential Lines, Inc., Hellenic Lines Ltd., Fresco Lines Ltd., Companhia De Navegacao Carregadores Acoreanos, Dampskibeselskabet Torm, and N. V. Nedlloyd Lijnen covers an arrangement to confer on and discuss together such matters as rates, charges, classifications, practices, and related tariff matters in the trade from ports in Portugal to United States Atlantic ports (Norfolk, Va., to Portland, Maine, inclusive). Each party (1) reserves the right to alter any such rate, charge, classification, practice, or related tariff matter thus agreed upon or about which there is no agreement upon notice to the other parties as provided therein, and (2) shall separately maintain its own tariff and be responsible for its filing pursuant to section 18(b) of the Shipping Act, 1916, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together

with a request for hearing, should such hearing be desired.

Dated: June 3, 1964.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 64-5671; Filed, June 8, 1964; 8:48 a.m.]

[No. 1184]

PRACTICES OF INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEAN-GOING COMMON CARRIERS

Enlargement of Time for Filing Comments

JUNE 3, 1964.

At the request of New York Foreign Freight Forwarders & Brokers Association, Inc., and good cause appearing, time for filing comments in this proceeding is hereby enlarged to and including June 22, 1964.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 64-5672; Filed, June 8, 1964; 8:48 a.m.]

[No. 1183]

PRACTICES OF LICENSED OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEAN-GOING COMMON CARRIERS

Enlargement of Time for Filing Comments

JUNE 3, 1964.

At the request of New York Foreign Freight Forwarders & Brokers Association, Inc., and good cause appearing, time for filing comments in this proceeding is hereby enlarged to and including June 15, 1964.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 64-5673; Filed, June 8, 1964; 8:48 a.m.]

[Agreement No. DC-12]

ALASKA STEAMSHIP CO. ET AL.

Notice of Withdrawal of Application for Approval

Notice is hereby given that the parties to agreement No. DC-12 have withdrawn application for approval thereof under section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Agreement DC-12 between Alaska Steamship Co., Puget Sound-Alaska Van Lines, Alaska Freight Lines, Inc., Alaska Division of Consolidated Freightways, and Weaver Brothers, Inc., would have provided for the emergency period resulting from the earthquake and tidal wave of March 27, 1964, that such parties would coordinate sailings and sailing schedules between Seattle and Alaska; coordinate the handling of priority cargoes; apportion traffic among the carriers; and regulate the volume and character of traffic to be carried.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

JUNE 4, 1964.

[F.R. Doc. 64-5692; Filed, June 8, 1964; 8:50 a.m.]

PORT OF BELLINGHAM AND BELLINGHAM WAREHOUSE CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-737 between the Port of Bellingham (Port), and the Bellingham Warehouse Co. (Company), provides for a cooperative working arrangement and apportionment of revenue in connection with the use of certain of the Company's facilities at Bellingham, Wash.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

JUNE 4, 1964.

[F.R. Doc. 64-5693; Filed, June 8, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2472]

BRAZOS RIVER AUTHORITY

Notice of Application for License

JUNE 3, 1964.

Public Notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Brazos River Authority (correspondence to: Walter J. Wells, General Manager and Treasurer, Brazos River Authority, P.O. Box 7555, Waco, Tex., 76710) for license for project No. 2472, known as the Morris Sheppard—DeCordova Bend project, on the Brazos River in Palo Pinto, Young, Stephens, Hood, and Parker Counties, Tex., in the vicinity of Mineral Wells and Granbury.

The Morris Sheppard—DeCordova Bend project is comprised of the existing Morris Sheppard Development under Commission license to Applicant as project No. 1490, to which a third generating unit and a substation are to be added, and the proposed DeCordova Bend Development, the latter to be situated 145 river miles downstream from the existing development.

The existing Morris Sheppard Development consists of:

(1) A dam 154 feet high and 2,740 feet long, including bulkhead sections 600 feet long and 326 feet long of reinforced concrete deck type construction, 707 feet of gated spillway, and an earthen dike section 1,107 feet long; (2) a reservoir with surface area of about 20,000 acres and gross controlled storage of 606,100 acre-feet at normal high pool elevation 1,000 feet MSL; (3) two 12-foot diameter steel penstocks through the dam to (4) an indoor powerhouse at the downstream toe; (5) two vertical shaft, Francis type turbines each rated 17,000 hp; and (6) two generators each rated 11,250 kw. Proposed new installation at Morris Sheppard is a third generating unit of 11,500 kw capacity in the space provided for it, and a substation. The proposed DeCordova Bend Development will consist of: (1) A reinforced concrete slab and buttress spillway 656 feet long and about 75 feet high (to top of the 16 steel tainter gates) flanked by earth embankments totaling about 1,450 feet in length; (2) a reservoir about 38 miles long with surface area of 8,500 acres and gross controlled storage of 155,000 acre-feet at normal high pool elevation 693 feet MSL; (3) an open canal about 900 feet long to convey water from a point one-half mile upstream of the dam to (4) the semioutdoor type powerhouse located on the downstream side of the neck of the peninsula formed by DeCordova Bend; (5) intake and penstock integral with powerhouse; (6) one 37,500 hp vertical shaft, propeller type, fixed blade turbine; (7) a generator rated at 28,000 kw; and (8) a substation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 27, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5655; Filed, June 8, 1964; 8:47 a.m.]

[Docket No. CP64-167]

LLOYD V. CRUM, JR.

Notice of Application

JUNE 2, 1964.

Take notice that on January 27, 1964, Lloyd V. Crum, Jr. (Applicant) of Racing, Minn., filed in Document No. CP64-167 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Northern Natural Gas Co. to extend its natural gas system and estab-

lish physical connection of its transmission facilities with the facilities proposed to be constructed by the Applicant consisting of a distribution pipeline system in the village of Racing, Minn., and to sell and deliver to Applicant its daily and annual requirements of natural gas on a firm and interruptible basis in Mcf volumes at 14.73 psia as follows:

	1st year (Mcf)	2d year (Mcf)	3d year (Mcf)
Firm peak day	90	100	100
Annual firm	16,630	18,058	20,609
Annual interruptible (no curtailment).	18,417	20,879	23,779
Total annual	35,047	38,937	44,388

The estimated cost of Applicant's proposed facilities is $58,300, with no special financing to be required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing is duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5656; Filed, June 8, 1964; 8:47 a.m.]

[Docket No. CP64-220]

GARFIELD GAS GATHERING CO.

Notice of Application

JUNE 2, 1964.

Take notice that on March 31, 1964, as supplemented and amended on April 13, April 17, May 7, May 8 and May 19, 1964, Garfield Gas Gathering Co. (Applicant), 235 Fillmore Street, Denver 6, Colo., filed in Docket No. CP64-220 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, the operation of certain existing facilities and the sale and delivery of natural gas to Mountain Fuel Supply Co. (Mountain Fuel) for resale in the State of Utah, all as more fully set forth in the application, as supplemented and amended, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 86 miles of 14-inch pipeline from the Divide Creek Field, Garfield County, Colo., to the point of delivery to Mountain Fuel near Bonanza, Uintah County, Utah. Applicant will also construct and operate approximately 71 miles of 2- to 10-inch gathering lines. Further, Applicant proposes to operate 25 miles of 10-inch existing line previously authorized in Docket No. CI61-191 but never placed in operation. Applicant will utilize the subject facilities to gather and transport natural gas in order to render the proposed service to Mountain Fuel. The sale of gas to Mountain Fuel will be at a rate of 21 cents per Mcf. Applicant will purchase said gas from various producers in northwest Colorado.

Applicant proposes to sell and deliver to Mountain Fuel and average daily volume of 25,000 Mcf during the first year and an average daily volume of 50,000 Mcf during subsequent years.

The application shows the total estimated cost of the subject facilities to be $6,028,477; of this amount, $709,568 is attributable to the existing facilities herein proposed to be operated. Applicant will finance the estimated cost by the sale of common stock, debentures and the issuance of mortgage bonds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5657; Filed, June 8, 1964; 8:47 a.m.]

[Docket No. RP64-40]

NEW YORK STATE NATURAL GAS CORP.

Notice of Proposed Changes in Rates and Charges

JUNE 2, 1964.

Take notice that on June 1, 1964, New York State Natural Gas Corp. (New York Natural) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and original volume No. 2, to be effective as of June 1, 1964.

The proposed changes reflect decreases in rates and charges in New York Natural's Rate Schedules CQ-1, CQ-2, CQ-3-A, CR-3-A, CR-3-E, CR-4, ACR-3, CA, GSS-1, and OSS, amounting to approximately $1,006,000 annually, based upon its General System sales and services for the year 1963. The reduced rates reflect, among other things, the January 1, 1964, and January 1, 1965, reductions in Federal income taxes for corporations from 52 percent to 50 percent and from 50 percent to 48 percent, respectively, as well as the reduction in rates of certain of New York Natural's gas suppliers.

Copies of the proposed rates have been served by New York Natural upon its customers and interested State Commissions. Comments may be filed on or before June 26, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5658; Filed, June 8, 1964; 8:47 a.m.]

[Docket No. CP62-85]

NORTHERN NATURAL GAS CO.

Notice of Application To Amend

JUNE 3, 1964.

Take notice that on April 13, 1964, Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha 1, Nebr., filed in docket No. CP62-85, an application to amend an order of the Commission issued September 30, 1963, in docket No. CP62-85, granting a certificate of public convenience and necessity authorizing among other things the construction and operation of main and branchline facilities to provide initial natural gas service to 76 communities including Alden, Iowa, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

The application to amend reflects that Iowa Electric Light and Power Co. (Iowa Electric), the distributor in Alden, has recently signed agreements to serve two limestone quarries near Alden on an interruptible basis and has requested Northern to install facilities to provide this service. To provide the requested service Northern requests authority to construct and operate 5.9 miles of 3-inch pipeline to Alden in lieu of 5.6 miles of 2-inch pipeline authorized by the Commission's order issued September 30, 1963, and to modify measuring facilities for Alden so as to provide for two meters in lieu of one.

The estimated cost of the facilities requested in the application to amend is $105,500 instead of $88,500 as originally estimated.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5659; Filed, June 8, 1964; 8:47 a.m.]

[Docket No. CP64-241]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 2, 1964.

Take notice that on April 15, 1964, Northern Natural Gas Co. (Applicant) filed in Docket No. CP64-241 an application pursuant to section 7(b) of the Natural Gas Act for authority to abandon and remove approximately 3.34 miles of 4-inch, 2.89 miles of 6-inch, and 2.47 miles of 8-inch pipeline located in Stevens County, Kans. These facilities which were certificated by Commission order in docket No. G-480 on January 6, 1944, are used in gathering natural gas from certain wells in Stevens County, Kans.

There are two wells attached to the 4-inch line and one well to the 6-inch line. Due to the small size of the pipelines, an excessive pressure drop occurs in this area. To overcome this pressure drop, Applicant proposes to tie-in the three wells to larger gathering lines in the immediate vicinity. The section of the 8-inch line to be abandoned, which is downstream from the 6-inch, does not have any wells attached and therefore will no longer be required upon transfer of wells from the 4-inch and 6-inch lines.

The abandonment and removal of the facilities proposed herein will not result in the abandonment of any service now being rendered.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5660; Filed, June 8, 1964; 8:48 a.m.]

[Docket No. RI64-751]

IRVING PASTERNAK

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 2, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I) and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by the Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 30 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of the agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 20, 1964.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-751	Irving Pasternak, 1402 Denver, U.S. National Center, Denver, Colo., 80202.	4	1	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin).	$5,000	5-4-64	[1] 6-4-64	6-5-64	13.0	[3] 14.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.

[2] Pressure base is 15.025 psia. Includes 1.0 cent per Mcf minimum guarantee for liquids.

[3] Periodic rate increase.

Irving Pasternak (Pasternak) requests waiver of notice to make his proposed increased rate effective as of January 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Pasternak's rate filing and such request is denied.

Pasternak's proposed increased rate of 14.0 cents per Mcf includes a 1.0 cent per Mcf minimum guarantee for liquids, thereby exceeding the applicable area price level of 13.0 cents per Mcf for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). Accordingly, the sus-

pension period can be shortened to 1 day. See Lakeland Petroleum Corp. (Operator), et al., Docket No. RI64-363, order issued May 5, 1964.

[F.R. Doc. 64-5661; Filed, June 8, 1964; 8:48 a.m.]

[Docket Nos. RI64-752, et al.]

SOCONY MOBIL OIL COMPANY, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 2, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 20, 1964.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-752	Socony Mobil Oil Co., Inc. (Operator), et al., 150 East 42d Street, New York, N.Y., 10017.	48	12	El Paso Natural Gas Co. (Pegasus Field, Midland and Upton Counties, Tex.) (R.R. Dist. Nos. 8 and 7C, Permian Basin).	$22	5-4-64	6-4-64	11-4-64	10.0	17.2295	
RI64-753	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa, Okla., 74102.	254	5	Northern Natural Gas Co. (Eunice Field, Lea County, N. Mex.), Permian Basin.	1,303	5-7-64	6-15-64	11-15-64	10.6768	[3] 11.6936	RI64-305.
RI64-754	Mayflo Oil Co., 1435 Republic National Bank Bldg., Dallas 1, Tex.	17	4	Natural Gas Pipeline Co. of America (Carrick Area, Beaver County, Okla.) (Panhandle Area).	1,056	5-4-64	6-4-64	11-4-64	[4] 16.8	[4 5] 17.2	RI62-407.
RI64-755	Hunt Oil Co. (Operator), et al., 700 Mercantile Bank Bldg., Dallas 1, Tex.	57	2	Arkansas Louisiana Gas Co. (Antlon Area, Custer County, Okla.) (Oklahoma Other Area).	18,000	5-6-64	6-6-64	11-6-64	[6] 15.0	17.0	
RI64-756	A. M. Park, et al., Mt. Pulaski, Ill.	1	3	El Paso Natural Gas Co. (Collingsworth and Wheeler Counties, Tex.) (R.R. Dist. No. 10).	1,059	5-12-64	6-12-64	11-12-64	12.0	[7] 13.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Pressure base is 14.65 psia.
[3] Includes 1.0 cent per Mcf periodic increase plus partial reimbursement for full 2.55 percent New Mexico Emergency School tax.
[4] Subject to downward Btu adjustment.
[5] 2-step periodic increase.
[6] A permanent certificate was issued Oct. 30, 1963, in Docket Nos. CI63-1045, at 15.0 cents per Mcf. Instant tendered filing is to the initial contract rate.
[7] Periodic increase.

Socony Mobil Oil Co., Inc. (Operator), et al., request waiver of notice to make their proposed rate increase effective as of June 2, 1964. Mayflo Oil Co. requests an effective date of May 8, 1964. Hunt Oil Co. (Operator), et al., request an effective date of June 6, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-5662; Filed, June 8, 1964; 8:48 a.m.]

[Docket No. CP64-246]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 3, 1964.

Take notice that on April 20, 1964, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala., 35202, filed an application in docket No. CP64-246 pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of loop line on its (1) Patterson Field Supply Line in St. Mary Parish, La., consisting of approximately 7.604 miles of 10¾-inch loop line extending from a point 12.577 miles north of the Lake Sand Receiving Station on the west leg of its South Louisiana Supply System to a point in the Patterson Field, St. Mary Parish, La., and (2) Calera Branch Line in Jefferson and Shelby Counties, Ala., consisting of approximately 10.409 miles of 8⅝-inch loop line extending from M.P. 10.646 to M.P. 21.055 on said lateral, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application reflects Southern is presently taking gas from its own reserves in the Patterson Field through a 6⅝-inch line, and will with the proposed 7.604 miles of 10¾-inch loop line increase its take to avoid drainage by other producers in the Field, and to maintain ratable production. The proposed loop line will have a maximum daily capacity of approximately 96,800 Mcf.

The application further reflects that due to age and erosion on a portion of Southern's Calera Branch Line, the proposed 10.409 miles of 8⅝-inch loop line will provide greater safety and security of operations, and will enable it to make necessary repairs to the existing line without interferring with customer deliveries.

The estimated costs of constructing the proposed Patterson Field Supply Line and Calera Branch Line loops are $378,720 and $316,570, respectively, and will be defrayed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no

[1] Does not consolidate for hearing or dispose of the several matters herein.

protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5663; Filed, June 8, 1964; 8:48 a.m.]

[Docket No. CP64-260]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 2, 1964.

Take notice that on April 29, 1964, Southern Natural Gas Co. (Applicant), a Delaware corporation, with its principal place of business in Birmingham, Ala., filed in docket No. CP64-260 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a line tap and meter and regulating station to be located near Tarrant, Ala., for the purpose of selling natural gas from its system to Dunn Construction Co., Inc., on an interruptible basis for consumption in an asphalt plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has ample capacity in its system and gas reserves to supply the requirements of the asphalt plant which are estimated at 5400 Mcf of gas per day when the temperature is above 40 degrees during the season of approximately 200 days per year.

The estimated cost of the proposed facilities is $19,480, which is to be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5664; Filed, June 8, 1964; 8:48 a.m.]

[Docket No. CP64-193]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 3, 1964.

Take notice that on March 2, 1964, Transcontinental Gas Pipe Line Corp. (Transco), P.O. Box 1396, Houston, Tex., 77001, filed an application in docket No. CP64-193 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Transco to sell and deliver up to 2500 Mcf of natural gas daily to Virginia Pipe Line Co. (Virginia Pipe), formerly Lynchburg Pipe Line Co., on a firm basis under its rate schedule CD-2 and 50-day storage service of 500 Mcf per day under its rate schedule GSS to alleviate an estimated peak day deficiency on Virginia Pipe's system, and on the system of its parent, Lynchburg Gas Co., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application reflects that Lynchburg Gas Co. (Lynchburg Gas), the parent company of Virginia Pipe, is an existing customer of Transco with an allocation of 4500 Mcf of gas per day, of which substantially all is required by Lynchburg Gas. At present deliveries are made into the facilities of Virginia Pipe for the account of Lynchburg Gas at Altavista-Hurt Meter Station in Pittsylvania County, Va., Lynchburg Meter Station in Appomattox County, Va., Scottsville Meter Station in Fluvanna County, Va., and Gordonsville Meter Station in Louisa County, Va. The deliveries made at Altavista-Hurt, Scottsville, and Gordonsville are purchased by Virginia Pipe from Lynchburg for resale to local communities and nearby industrial customers. Deliveries at Lynchburg Meter Station are simply delivered by Virginia Pipe to Lynchburg. Under proposed new arrangements, Virginia Pipe will purchase gas directly from Transco, but will continue to purchase small volumes from Lynchburg, and transport Lynchburg's allocation of gas from Transco at the above points.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5665; Filed, June 8, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2337]

AMERICAN INSURANCE FOUNDERS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 3, 1964.

I. American Insurance Founders, Inc. (issuer), a District of Columbia corporation, incorporated on October 23, 1959, with principal offices located at 1741 K Street NW., Washington, D.C., filed with the Commission on January 4, 1960, a notification on form 1-A and an offering circular relating to an offering of 300,000 shares of class A voting common stock, par value $0.25, at $1 per share for an aggregate total of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The terms and conditions of regulation A have not been complied with in that:

1. The issuer did not deliver an offering circular to each offeree and purchaser of the stock as required by rule 256(a).

2. The issuer at times used an offering circular which did not meet the requirements of regulation A.

3. The issuer has failed to file form 2-A reports as required by rule 260.

B. The offering was made in violation of section 17 of the Securities Act of 1933, as amended, in that the offering circulars filed contained untrue statements of material facts and omitted to

state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, concerning among other things:

1. The failure to disclose adequately and accurately that 50,000 shares of the offering of 300,000 shares were issued in conjunction with the acquirement of real property.

2. The failure to disclose that a portion of the offering would be sold at prices different from the public offering price reflected in the offering circular.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under regulation A be temporarily suspended,

It is ordered, Pursuant to rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested, and none is ordered by the Commission, this order shall become permanent on the 13th day after its entry and shall remain in effect unless, or until, it is modified or vacated by the Commission; and that notice of the time and place for such hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-5604; Filed, June 8, 1964; 8:45 a.m.]

[File No. 24W-2689]

BLANDY CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 1, 1964.

I. Blandy Corp. (Issuer), a Utah corporation, incorporated on June 6, 1963, with principal offices at 1000 Hummel Avenue, Lemoyne, Pa., filed with the Washington regional office of the Commission on January 23, 1964, a notification on form 1-A and an offering circular relating to an offering of 240,000 shares of class A, nonvoting common stock ($1 par value), at $1 per share for an aggregate offering of $240,000, in order to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of regulation A have not been complied with in that:

1. The cost to certain officers and promoters of the franchises which were exchanged with the Issuer for stock, is not disclosed in the offering circular.

2. The details concerning the Issuer's indebtedness of $53,000 to officers, including the terms thereof, are not described in the offering circular.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading concerning, among other things:

1. The failure to adequately state that upon completion of the proposed offering two promoters will own 100 percent of the class B, voting common stock and 50.1 percent of the outstanding class A, nonvoting common stock, and that the remaining investors will own 49.9 percent of the outstanding class A, nonvoting common stock, for the payment of $5,500 by the two promoters and $296,022 by the remaining investors; and the further failure to disclose the resulting increase in the net tangible value per share of the promoters' stock upon completion of the proposed offering and the immediate dilution in the value of the stock purchased by investors.

2. The failure to make readily ascertainable the significance of the cost of operations presented in the offering circular.

3. The failure to present clearly and concisely in an organized manner in the forepart of the offering circular, the amount of royalties, production quotas, and other obligations for which the Issuer is bound as a result of certain franchises.

4. The failure to disclose the existence of a bond of $53,200 executed by the Issuer to secure payment of a mortgage note on the Issuer's plant.

5. The failure to clearly disclose whether certain machinery and equipment which the Issuer proposes to order will be owned by the Issuer.

C. The offering, if made, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under regulation A be temporarily suspended.

It is ordered, Pursuant to rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested, and none ordered by the Commission, this order shall become permanent on the 13th day after its entry and shall remain in effect unless, or until, it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-5654; Filed, June 8, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 470]

MASSACHUSETTS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Boston in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from fire and accompanying conditions occurring on or about May 23, 1964.

OFFICE

Small Business Administration Regional Office,
470 Atlantic Avenue,
Boston, Mass.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1964.

Dated: May 27, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-5680; Filed, June 8, 1964; 8:49 a.m.]

TARIFF COMMISSION

[AA1921-39]

CARBON STEEL BARS AND SHAPES FROM CANADA

Notice of Investigation

Having received advice from the Treasury Department on June 1, 1964 that carbon steel bars, bars-shapes[1] under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Ltd. and/or its subsidiary, the Vancouver Rolling Mills Ltd. of Vancouver, Canada, are being, or are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission, on June 2, 1964, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to § 208.5 of the Commission's rules regarding the submission of written statements of pertinent information. Written statements must be filed not later than July 6, 1964.

By order of the Commission.

Issued: June 4, 1964.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-5684; Filed, June 8, 1964; 8:50 a.m.]

[1] The Tariff Commission interprets this to mean "bar shapes" or "bar-size shapes", which interpretation is concurred in by the Treasury Department.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 4, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39060: *Sulphuric acid from Baton Rouge, La.* Filed by O. W. South, Jr., agent (No. A4522), for interested rail carriers. Rates on sulphuric acid, in tank carloads, also sulphuric acid, in tank carloads, subject to minimum shipment of five cars per day, from Baton Rouge, La., to Brunswick, Ga., and Lowland, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 88 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 39061: *Liquid caustic soda to points in Florida and Georgia.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2721), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from specified points in Ohio and West Virginia, to specified points in Florida and Georgia.

Grounds for relief: Market competition.

Tariffs: Supplements 134 and 54 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 39062: *Grain products from and to points in WTL Territory.* Filed by Western Trunk Line Committee, agent (No. A-2362), for interested rail carriers. Rates on vegetable meal, whole pressed cottonseed, cottonseed hulls, and related articles, in carloads, from specified points in Colorado, Illinois, Iowa, Kansas, Missouri, and Nebraska, to specified points in Colorado, Nebraska, and Wyoming.

Grounds for relief: Motor-carrier competition.

Tariff: Supplement 2 to Western Trunk Line Committee, agent, tariff I.C.C. A-4520.

FSA No. 39063: *Iron or steel bars to points in Minnesota.* Filed by Western Trunk Line Committee, agent (No. A-2363), for interested rail carriers. Rates on iron or steel bars, in carloads, from Sterling, Sterling (Rock Falls), Ill., and St. Louis, Mo., to Minneapolis, Minn. Transfer and St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 77 to Western Trunk Line Committee, agent tariff I.C.C. A-4271.

FSA No. 39064: *Liquid caustic soda to Charleston, S.C.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2722), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, subject to minimum of three cars per shipment, from specified points in Michigan, New York, Ohio, and West Virginia, to Charleston, S.C.

Grounds for relief: Market competition.

Tariffs: Supplements 134 and 54 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 39065: *Compressed air filter media from and to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8550), for interested rail carriers. Rates on media, compressed, air filter; a matting of glass fibre, nonwoven, in continuous lengths, in rolls, in bags, in carloads, between points in southwestern territory on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 20 to Southwestern Freight Bureau, agent, tariff I.C.C. 4562.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-5677; Filed, June 8, 1964; 8:49 a.m.]

[Notice 995]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66551. By order of June 1, 1964, the Transfer Board approved the transfer to Culberson Motor Lines, Inc., Moncure, N.C., of certificate in No. MC 94580, issued September 27, 1961, to O. M. Covert, doing business as Thomas S. Redding, Moncure, N.C., and amended January 12, 1962 to show the trade name as O. M. Covert Trucking Co., authorizing the transportation of: Lumber, from Asheboro, N.C., and points within 30 miles of Asheboro, to Washington, D.C., and points within 20 miles thereof and Baltimore, Md., and points within 10 miles thereof, and from points in that part of North Carolina on and east of U.S. Highway 21 except Asheboro, and points within 30 miles of Asheboro, to Washington, D.C., Baltimore, Md., points in that part of Virginia within 100 miles of Washington, D.C., and that part of Maryland and Pennsylvania within 80 miles of Baltimore; grain and grain products, from Philadelphia, Pa., Baltimore, Mt. Airy, Hagerstown and Westminster, Md., and points within 10 miles of Westminster, and from Round Hill, Hamilton, Leesburg, Marshall, Luray, Harrisonburg, and Staunton, Va., and points within 10 miles of Luray, Harrisonburg, and Staunton, to Asheboro, N.C., and from the above origin points except Marshall, Va., to points in North Carolina on and east of U.S. Highway 21, except Asheboro. Francis J. Ortman, 1366 National Press building, Washington 4, D.C., attorney for applicants.

No. MC-FC 66732. (REPUBLICATION) By corrected order of June 1, 1964, the Transfer Board, approved the transfer to Fairchild, Inc., Yakima,

Wash., of a portion of the operating rights in certificate in No. MC 33919, issued June 16, 1955, to Fairchild Moving & Storage Co., a corporation, and amended by order of January 31, 1964, to show name as Fairchild General Freight, Inc., both of Yakima, Wash., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between points in Yakima County, Wash., on the one hand, and, on the other, points in Idaho, Oregon, and that part of Montana on and west of a line extending north and south from Butte, Mont. The previous publication, in error, recited in addition to the household goods authority being transferred, the commodities being retained by transferor. Anthony Arntson, 526 Miller Building, Yakima, Wash., attorney for applicants.

No. MC-FC 66819. By order of May 28, 1964, the Transfer Board approved the transfer to Werch Trucking Co., Inc., Berlin, Wis., of the operating rights in certificate in No. MC 25823, issued by the Commission May 9, 1952, to Edwin A. Werch, doing business as Werch Trucking Co., Berlin, Wis., authorizing the transportation, over irregular routes, of farm implements, fertilizer, twine, feed, seed, flour, coal, oil, cranberries, and livestock, between Berlin, Ripon, Waukau, Rush Lake, and Borth, Wis., on the one hand, and, on the other, Chicago, Ill., St. Paul, and Minneapolis, Minn. Edward Solie, 4513 Vernon Boulevard, Madison 5, Wis., attorney for applicants.

No. MC-FC 66957. By order of May 28, 1964, the Transfer Board approved the transfer to Werch Trucking Co., Inc., Berlin, Wis., of that portion of the operating rights in certificate in No. MC 119474, issued by the Commission June 17, 1960, to Osenga's Trucking Service, Inc., Chicago, Ill., authorizing the transportation, over irregular routes, of fertilizer and animal and poultry feed, from Chicago, Ill., to Antigo, Wis., and points in a described portion of Wisconsin, and of live poultry and eggs, from Baraboo, Wis., and points within 15 miles thereof, to Chicago, Ill. Edward Solie, 4513 Vernon Boulevard, Madison 5, Wis., attorney for applicants.

No. MC-FC 66870. By order of May 28, 1964, the Transfer Board approved the transfer to Arnold King, doing business as King Truck Line, Minneapolis, Minn., of the operating rights in permit in No. MC 116884 (Sub-No. 1), issued August 6, 1959, in the name of LeRoy Gravelle, Minneapolis, Minn., and amended September 18, 1961, to show the name as LeRoy Gravelle, doing business as Gravelle Truck Line, Duluth, Minn., authorizing the transportation, over irregular routes, of ice cream, ice cream mixes, butter, and ice cream cones, from Minneapolis, Minn., to Ashland, Wis., Sioux Falls, S. Dak., and Fargo, Jamestown, and Mandan, N. Dak. Robert E. Swanson, 377 Griggs Midway Building, 1821 University Avenue, St. Paul, Minn., 55104, representative for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-5678; Filed, June 8, 1964; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION I

McLellan's, 94-98 Main Street, Waterville, Maine; effective 5-1-64 to 9-2-64 (variety store; 30 employees).

REGION II

S. S. Kresge Co., No. 221, Sayre Woods Shopping Center, Highway 9, Parlin, N.J.; effective 5-7-64 to 9-2-64 (variety store; 32 employees).

REGION III

S. S. Kresge Co., No. 610, 3179 Queens Chapel Road, Mt. Rainier, Md.; effective 5-5-64 to 9-2-64 (variety store; 11 employees).

S. S. Kresge Co., 130 Kline Village Annex, Harrisburg, Pa.; effective 5-5-64 to 9-2-64 (variety store; 23 employees).

REGION VII

S. S. Kresge Co., No. 127, 413 Delaware, Leavenworth, Kans.; effective 4-1-64 to 9-2-64 (variety store; 32 employees).

S. S. Kresge Co., No. 231C, 60 Broadway, Fargo, N. Dak.; effective 4-1-64 to 9-2-64 (variety store; 34 employees).

Oliver & Lincoln Variety, Inc., d/b/a T. G. & Y. Stores Co., No. 117, 934 Parklane, Wichita, Kans.; effective 4-1-64 to 9-2-64 (variety store; 22 employees).

REGION VIII

S. H. Kress and Co., 104 East Grand Avenue, McAlester, Okla.; effective 5-11-64 to 9-2-64 (variety store; 29 employees).

REGION IX

Wrights Shopping Center, 422 East Fourth Avenue, Mesa, Ariz.; effective 5-4-64 to 9-2-64 (food store; 86 employees).

REGION XI

Colonial Stores, Inc., No. 2228, 8491 Waters Road, Savannah, Ga.; effective 4-1-64 to 9-2-64 (food store; 17 employees).

Colonial Stores, Inc., No. 2241, 16 Mitchell Shopping Center, Aiken, S.C.; effective 4-1-64 to 9-2-64 (food store; 28 employees).

Colonial Stores, Inc., No. 2317, 210 Richland Avenue West, Aiken, S.C.; effective 4-1-64 to 9-2-64 (food store; 18 employees).

Colonial Stores, Inc., No. 2050, 2309 Main Street, Anderson, S.C.; effective 4-1-64 to 9-2-64 (food store; 17 employees).

Colonial Stores, Inc., No. 2331, 1607 Allen Street, Barnwell, S.C.; effective 4-1-64 to 9-2-64 (food store; 18 employees).

Colonial Stores, Inc., No. 2235, 206 Broad Street, Bennettsville, S.C.; effective 4-1-64 to 9-2-64 (food store; 29 employees).

Colonial Stores, Inc., No. 2208, 300 Knox Abbott Drive, Cayce, S.C.; effective 4-1-64 to 9-2-64 (food store; 29 employees).

Colonial Stores, Inc., No. 2057, 921 Savannah Highway, Charleston, S.C.; effective 4-1-64 to 9-2-64 (food store; 25 employees).

Colonial Stores, Inc., No. 2210, 7 Beaufain Street, Charleston, S.C.; effective 4-1-64 to 9-2-64 (food store; 21 employees).

Colonial Stores, Inc., No. 2319, 104 York Street, Chester, S.C.; effective 4-1-64 to 9-2-64 (food store; 13 employees).

Colonial Stores, Inc., No. 2102, Midland Shopping Center, Columbia, S.C.; effective 4-1-64 to 9-2-64 (food store; 26 employees).

Colonial Stores, Inc., No. 2220, 1023 Harden Street, Columbia, S.C.; effective 4-1-64 to 9-2-64 (food store; 22 employees).

Colonial Stores, Inc., No. 2256, 3604 Main Street, Columbia, S.C.; effective 4-1-64 to 9-2-64 (food store; 22 employees).

Colonial Stores, Inc., No. 2267, 4825 Forest Drive, Columbia, S.C.; effective 4-1-64 to 9-2-64 (food store; 26 employees).

Colonial Stores, Inc., No. 2058, 1721 West Palmetto Street, Florence, S.C.; effective 4-1-64 to 9-2-64 (food store; 20 employees).

Colonial Stores, Inc., No. 2217, 208 North Fraser Street, Georgetown, S.C.; effective 4-1-64 to 9-2-64 (food store; 21 employees).

Colonial Stores, Inc., No. 2218, Stone Plaza Shopping Center, Greenville, S.C.; effective 4-1-64 to 9-2-64 (food store; 18 employees).

Colonial Stores, Inc., No. 2230, 58 Liberty Lane, Greenville, S.C.; effective 4-1-64 to 9-2-64 (food store; 17 employees).

Colonial Stores, Inc., No. 2309, 115 West Fairlee Street, Marion, S.C.; effective 4-1-64 to 9-2-64 (food store; 13 employees).

Colonial Stores, Inc., No. 2313, 425 Russell Street, Orangeburg, S.C.; effective 4-1-64 to 9-2-64 (food store; 10 employees).

Colonial Stores, Inc., No. 2233, 237 East Main Street, Rock Hill, S.C.; effective 4-1-64 to 9-2-64 (food store; 16 employees).

Colonial Stores, Inc., No. 2053, 159 South Pine Street, Spartanburg, S.C.; effective 4-1-64 to 9-2-64 (food store; 23 employees).

Colonial Stores, Inc., No. 2253, 370 North Church Street, Spartanburg, S.C.; effective 4-1-64 to 9-2-64 (food store; 25 employees).

Colonial Stores, Inc., No. 2214, 208 North Main Street, Summerville, S.C.; effective 4-1-64 to 9-2-64 (food store; 25 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to

total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Jupiter Discount, No. 4523, 645 First Street, La Salle, Ill.; effective 5-6-64 to 9-2-64; salesclerks; between 5.3 percent and 8.8 percent (variety store; 12 employees).

K-Mart, No. 4052, K-Mart Plaza, 1801 South Zero, Fort Smith, Ark.; effective 5-8-64 to 9-2-64; salesclerk; between 3.5 percent and 5.8 percent (variety store; 85 employees).

K-Mart, No. 4070, 2176 Bankhead Avenue NW., Bankhead Plaza, Atlanta, Ga.; effective 5-8-64 to 9-2-64; salesclerk; between 4.2 per cent and 9.8 percent (variety store; 110 employees).

K-Mart, No. 4044, Victory Mall, 1901 East Victory Drive, Savannah, Ga.; effective 5-8-64 to 9-2-64; salesclerks; between 4.2 percent and 9.8 percent (variety store; 85 employees).

K-Mart, No. 4043, K-Mart Plaza, 4400 Fort Jackson Boulevard, Columbia, S.C.; effective 5-8-64 to 9-2-64; salesclerk, marker, stock clerk; 10 percent for each month (variety store; 99 employees).

K-Mart, K-Mart Plaza, 3311 Riverside Drive, Danville, Va.; effective 5-18-64 to 9-2-64; salesclerks; 10 percent for each month (variety store; 72 employees).

S. S. Kresge Co., No. 755, Suburban Plaza 2595 North Decatur Road, Decatur, Ga.; effective 5-6-64 to 9-2-64; salesclerk, fountain clerk; between 0.4 percent and 7.8 percent (variety store; 37 employees).

Rose's 5-10-25-Cent Store, 4840 Forest Drive, Trenholm Plaza, Columbia, S.C.; effective 4-1-64 to 9-2-64; salesclerk, stock clerk; between 9.3 percent and 10 percent (variety store; 28 employees).

Wade's Super Market, Inc., Dublin, Va.; effective 5-6-64 to 9-2-64; bag boy, checker, stock clerk, carry-out; between 2.7 percent and 10 percent (food store; 9 employees).

The following certificate was issued to an establishment under paragraph (k) of § 519.6 of 29 CFR, Part 519. This certificate supplements the certificate issued pursuant to other paragraphs of that section, but does not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificate contains limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

G. C. Murphy Co., No. 70, West Maine and Railway Avenue, Mechanicsburg, Pa.; effective 6-1-64 to 9-2-64; between 1.5 percent and 19.6 percent for the months of June through September (variety store; 14 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 2d day of June 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-5666; Filed, June 8, 1964; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Co., Winfield, Mo.; effective 6-5-64 to 6-4-65 (men's washable cotton service uniform coats).

Durant Sportswear, Inc., Durant, Miss.; effective 5-28-64 to 5-27-65 (boys' and men's outerwear jackets).

Glen Lyon Brassiere & Corset Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5-19-64 to 5-18-65 (corests and allied garments).

Mode O'Day Co., 2955 South Main, Salt Lake City, Utah; effective 6-3-64 to 6-2-65 (women's dresses).

Oneonta Dress Co., Inc., 359 Chestnut Street, Oneonta, N.Y.; effective 5-19-64 to 5-18-65 (ladies' dresses).

Phillips-Van Heusen Corp., Patton, Pa.; effective 6-2-64 to 6-1-65 (men's dress shirts).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5-31-64 to 5-30-65 (men's and boys' sport shirts).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa.; effective 5-23-64 to 5-22-65 (men's pants).

Shults Manufacturing Co., Inc., Henderson, Tenn.; effective 5-25-64 to 5-24-65 (men's and boys' walking shorts and pants).

Sweet-Orr & Co., Inc., Dawsonville, Ga.; effective 5-28-64 to 5-27-65 (boys' uniform shirts).

Thompson Co., Harlem, Ga.; effective 5-29-64 to 5-28-65 (women's slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Irene Sportswear Co., Inc., Nicholson, Pa.; effective 5-18-64 to 5-17-65; 10 learners (ladies' blouses).

Lewisburg Sportswear, Inc., 591 Second Avenue, North, Lewisburg, Tenn.; effective 5-19-64 to 5-18-65; 10 learners (boys' sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bur-Mac Corp., 364 North Thomas Street, Athens, Ga.; effective 5-19-64 to 11-18-64; 10 learners (men's and boys' slacks and shorts).

Spartans Industries, Inc., Spencer, Tenn.; effective 5-19-64 to 11-18-64; 200 learners (ladies' and girls' capri, jamaica, and surfer pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 5-22-64 to 5-21-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Boss Manufacturing Co., 519 12th Avenue, South, Seattle, Wash.; effective 5-19-64 to 5-18-65; 10 learners for normal labor turnover purposes (work gloves).

North Churchill Manufacturing Co., Inc., 544 North Pearl Street, Centralia, Wash.; effective 5-25-64 to 5-24-65; 10 learners for normal labor turnover purposes (men's work gloves).

Fairfield Glove Co., Bonaparte, Iowa; effective 5-31-64 to 5-30-65; 10 learners for normal labor turnover purposes (work gloves).

Fairfield Glove Co., 503 West Stone Street, Fairfield, Iowa; effective 5-31-64 to 5-30-65; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., 801 East Main Street, Brownsville, Tenn.; effective 5-31-64 to 5-30-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (fabric, leather, mixed gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Martinsburg Mills, Inc., Martinsburg, W. Va.; effective 5-19-64 to 5-18-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless men's and boys' hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Gloray Knitting Mills, Inc., Robesonia, Pa.; effective 5-21-64 to 5-20-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters).

Mistee Lingerie, Inc., 320 South Franklin Street, Boyertown, Pa.; effective 5-31-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were

that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C. this 28th day of May 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-5667; Filed, June 8, 1964; 8:48 a.m.]

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